

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12094 of 2015

and

M.P.No.1 of 2015

1.M.Rajeswari
2.R.Rajendran
3.R.Mangaleswaran
4.R.Parameswaran

... Petitioners

.Vs.

1. The Assistant Director,
Ex-service man Welfare,
Tambaram, Chennai-600 045.

2. The District Collector,
Chengalpattu District,
Kanchipuram.

3. The Tahsildar,
Tambaram,
Chennai-600 045

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider the Petitioner representation dated 16.02.2015 to re-allot the said vacant land in favour of the petitioners, which was previously allotted to the petitioner's father consequently direct the Respondents 2 and 3 not to disturb the petitioner peaceful possession and enjoyment of the vacant land situated at Pozhichalur Village, comprised in Survey No.288, to an extent of 5 Acres and 15 cents and dispose of the same on merits.

For Petitioners : Mrs.Rita Chandrasekar
for Mr.G.Vijayaraghavan

For Respondents : Mr.M.Digvijayapandian
Additional Government Pleader

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioners in their joint representation dated 16.02.2015 has stated that their father viz., K.Raman was an ex-service man and while he was in service, he was assigned with a vacant land measuring an extent of 5 Acres and 15 cents, in Survey No.288, situated in Pozhichalur Village. After allotment, he and his family were in possession and enjoyment of the same and after the demise of his father, the petitioners continued to be in possession and enjoyment of the property and they prayed for re-allotment in their favour. Though the said representation was acknowledged, they have not been favoured with any response. Hence, the petitioners have come forward to file this writ petition.

3.Heard Mrs.Rita Chandrasekar, the learned counsel for the petitioner and Mr.M.Digvijayapandian, learned Additional Government Pleader who accepts notice for the respondents.

5.The learned counsel for the petitioner would submit that the father of the petitioner was allotted a small extent of land out of an total extent of 21.56 acres and since the threat of dispossession is eminent, she prayed for process for interim order.

6. This Court taking into consideration the above facts and circumstances of the case is of the view that it would suffice to direct the third respondent to dispose of the representation dated 16.02.2015. Accordingly, without going into the merits of the representation, this Court directs the third respondent to dispose of the representation of the petitioners dated 16.02.2015, in accordance with law, as expeditiously as possible and not later than four weeks from the date of receipt of copy of this order and inform the decision taken to the petitioner. It is also made clear that the petitioners shall not be dispossessed in respect of the property in which they claim to be in actual possession, except by due process of law.

The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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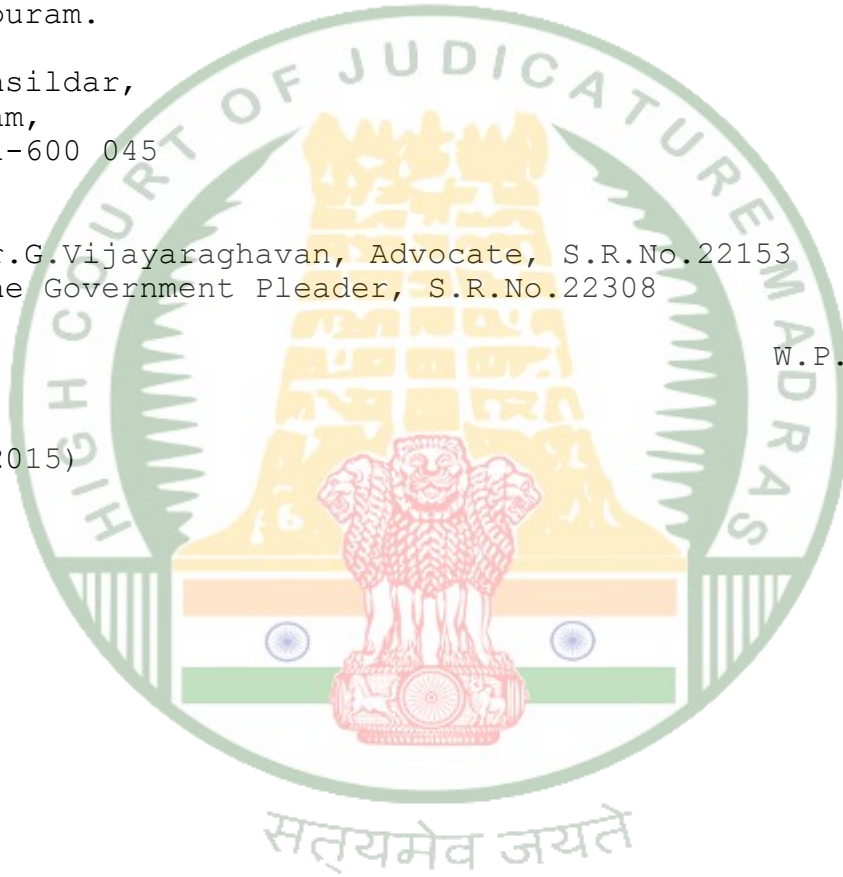
To

1. The Assistant Director,
Ex-service man Welfare,
Tambaram, Chennai-600 045.
2. The District Collector,
Chengalpattu District,
Kanchipuram.
3. The Tahsildar,
Tambaram,
Chennai-600 045

+1cc to Mr.G.Vijayaraghavan, Advocate, S.R.No.22153
+1cc to the Government Pleader, S.R.No.22308

W.P.No.12094 of 2015

KU (CO)
CA (29/04/2015)



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