

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI,
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P.No. 13493 of 2015

A.R. Farida

.. Petitioner

vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary (Revenue Department)
St. George Fort, chennai-9.
- 2 The District Collector,
Kancheepuram, Kancheepuram District.
- 3 The Tahsildar,
Chengalpet Taluk , Kancheepuram District.
- 4 The Revenue Divisional Officer,
Chengalpet Taluk, Kancheepuram District.
- 5 The Village Administrative Officer,
Urapakkam Village , Chengalpet Taluk ,
Kancheepuram District.
- 6 The Executive Engineer/ Estate Officer,
Tamil Nadu Slum Clearance Board
Sivalingapuram, K.K.Nagar Division,
Chennai.

.. Respondents

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Writ Petition filed under under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 5 to implement the order in the proceedings of the 2nd respondent

passed in Se.Mu.Na. Ka.6063/ 2014/A1 dated 17.7.2014 and to consider the petitioner's representation dated 6.2.2015.

For Petitioner : Mr. M. Thamizhavel

For Respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 to R5
Mr. M. Perumal - R6

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for both parties, this writ petition is taken up for final disposal.

2. This writ petition is filed seeking a direction to the respondents 2 to 5 to implement the order in the proceedings of the 2nd respondent passed in Se.Mu.Na. Ka.6063/ 2014/A1 dated 17.7.2014 and to consider the petitioner's representation dated 6.2.2015.

3. The petitioner is stated to be in personal enjoyment of Plot No.150, Door No.4, Selliamman Nagar, Mosque Street, Kilampakkam, on the purported ground of allotment to her by the sixth respondent on 05.02.1997. Steps were initiated for removal of the petitioner as the said land belongs to the Highways department.

4. A writ petition was filed by the petitioner being W.P.No. 33172 of 2013 seeking restraint order against the respondents 2 to 5 from evicting or dispossessing her from the said land without giving alternative site or compensation, as per her representation dated 28.11.2013. The said writ petition was disposed of on 02.01.2014 with a direction to consider the petitioner's application for grant of alternative site and it was further held that the petitioner should not be dispossessed till the disposal of the application submitted by her seeking alternative site.

5. The District Collector, vide proceedings dated 17.07.2014, came to the conclusion that the petitioner may be allotted patta for the alternative site in Chellaianman Nagar residential area, as the land in question is required for construction of flyover by the Highways Department.

6. According to the learned counsel for the petitioner, the alternative site has not yet been allotted and there is a

pressure on the petitioner for vacating the place.

7. Pursuant to the notice of this Court dated 01.06.2015 , the District Collector, Kancheepuram has filed an affidavit stating in paragraphs 5 and 6, as under:-

" (5) It is submitted that the petitioner already filed a writ petition in WP No. 33172 of 2013 and the Hon'ble Court has issued direction on 02.01.2014 to the Collector, Kancheepuram to consider and dispose of the application submitted by the petitioner for alternative site and such exercise should be completed in three months and the petitioner should not be disturbed till the disposal of the alternative site proposal completed.

(6) It is submitted that the alternate site was selected for the petitioner and proposals were already submitted on 22.05.2014 to the 2nd respondent herein. The Collector in his Ref.10985/2012, dated 07.05.2015 has directed the RDO, Chengalpet to furnish the value of the land. On receiving the report of the valuation of the land and also after classification of land and other processes, the alternative site will be provided".

8. Learned Special Government Pleader appearing for the respondents 1 to 5 submits that since the alternative site has already been identified and made available for allotment, patta will be issued at the earliest. He further submits that the petitioner's possession will not be disturbed, till the alternative site is allotted to her.

9. In view of the foregoing, nothing survives for adjudication in this writ petition. However, it is ordered that the petitioner's possession shall not be disturbed till the alternative site is allotted to her.

10. This writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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Index: Yes/No

To

- 1 Secretary (Revenue Department) ,
The State of Tamil Nadu
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Chennai.
- + 1 cc to M/s M.Thamizhavel, Advocate SR No. 32290
- + 1 cc to the Government Pleader High Court Madras SR No.32349

W.P. No.13493 of 2015

GP (CO)
YJ 22.07.15

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