

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.7480 of 2011

and M.P.No.2 of 2011

S.Sekar

.. Petitioner

-vs-

1.The Commissioner,
HR & CE, Mahatma Gandhi Road,
Nungambakkam, Chennai.

2.Joint Commissioner,
HR & CE, Arcot Road, Vellore.

3.District Adi Dravida Welfare Officer
and Tribunal, Ezhilagam, Chennai.

4.The Special Tahsildar (AWD)
Ponneri Divisional Taluk Office,
Ambattur, Chennai.

5.The Executive Officer,
Arulmighu Sampangi Pichandiswarar,
Arulmighu Aathikesava Perumal Kovil,
Arani, Thiruvallur District.

6.K.S.Sivasankaran
(R-6 impleadee as per Court order
dated 21.9.2011 in MP1 of 2011)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 and 2 to grant No Objection Certificate for acquisition of lands at Survey Number i)274/4, ii)277, iii)391, iv)471/2, v)477/2, vi)913/9 to an extent of 1.16.5 Hectares at Arani 1 and 2 village, in ponneri Division, Thiruvallur District, within the stipulated time as fixed by this Court and further direction to the 4th respondent to grant patta to the deserving person at the said village.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.S.T.S.Moorthy

Govt. Pleader for RR1 to 4

: Mr.M.Velmurugan for R-6

: Mr.S.T.S.Moorthy

Govt. Pleader for Mr.S.Kandaswamy,

Special Govt. Pleader (HR & CE) for R5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, by the P.I.L., seeks a direction against the first two respondents being the Hindu Religious and Charitable Endowment Department (HR & CE), to grant No Objection Certificate for acquisition of land at S.Nos.i)274/4, ii)277, iii)391, iv)471/2, v)477/2, vi)913/9 to an extent of 1.16.5 Hectares at Arani 1 and 2 village, in ponneri Division, Thiruvallur District, with a further direction to the 4th respondent / Tahsildar to grant pattas to deserving persons on the premise that the temple has no objection to the same.

2.Learned counsel for the petitioner submits that the fourth respondent addressed a communication to the first respondent seeking clarification whether the lands in question are controlled and governed by the HR & CE Department, which were to be utilised for purposes of construction of houses under the Adi Dravidar Housing Scheme. This letter is in response to the letter dated 05.11.2011. It is stated that there has been no response to this letter.

3.Learned counsel appearing for the first and second respondents submits that there is objection to the release of the land as per the information. Be that as it may, the first respondent is required to communicate his stand to the fourth respondent, if not already communicated.

4.We, thus, direct the first respondent or the second respondent to communicate their stand to the fourth respondent, if not already communicated, with a copy addressed to the petitioner qua their stand. If it is already communicated, the said decision may also be communicated to the petitioner.

5.The needful be done within one month of receipt of this order.

6.Writ Petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.2 of 2011 stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra
To

1.The Commissioner,
HR & CE, Mahatma Gandhi Road,
Nungambakkam, Chennai.

2.Joint Commissioner,
HR & CE, Arcot Road, Vellore.

3.District Adi Dravida Welfare Officer
and Tribunal, Ezhilagam, Chennai.

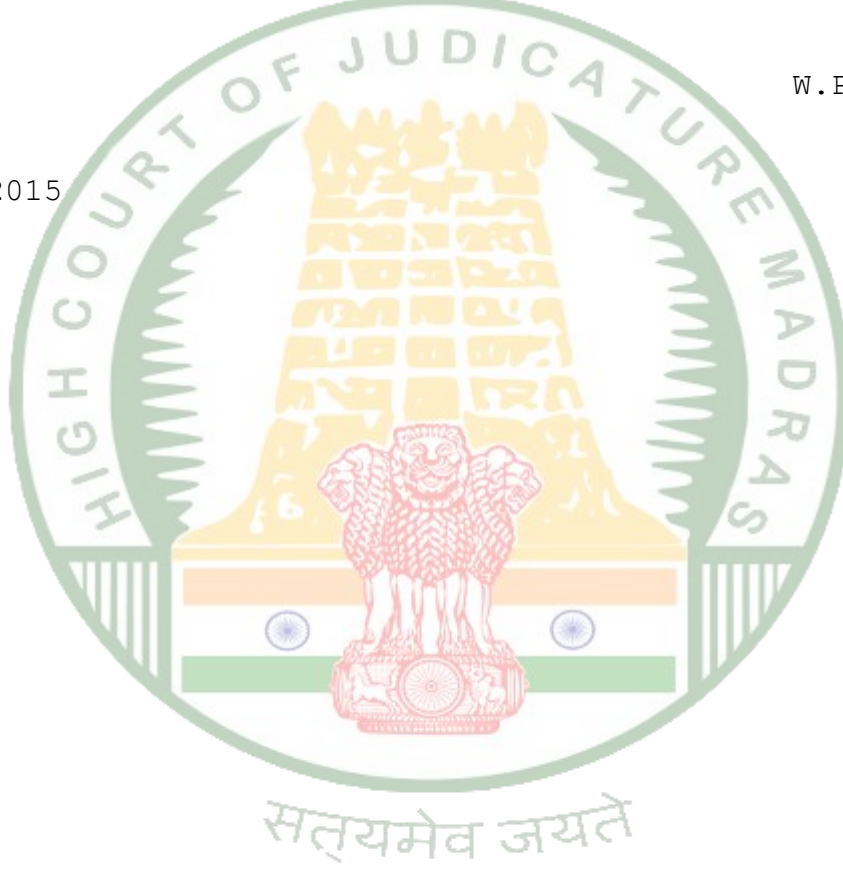
4.The Special Tahsildar (AWD)
Ponneri Divisional Taluk Office,
Ambattur, Chennai.

2 cc to Government Pleader,Sr.No15436, 15442

1 cc to Mr.S.Parathasarathy ,Advocate, SR.No.15342

W.P.No.7480 of 2011

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pmk.31.3.2015



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