

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.38698 of 2015

1 R.Sugunavathi

2 N.Vijayakumari

3 N.Praburaj

4 N.Swarnalatha

5 S.Vidhyalakshmi

[PETITIONERS]

Vs

1 The Secretary
Housing and Urban Development
Fort St. George
Chennai - 600 009

2 The Executive Engineer
Tamilnadu Housing Board
Besant Nagar, Chennai - 600 020.

[RESPONDENTS]

PRAYER: Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to consider and pass any suitable order on the representation of the petitioners dated 17.9.2012 regarding recovery of document dated 9.3.1912 vide document No.463/12 Book No.1, Volume 127 on the file of the Sub Registrar, Saidapet in Chennai District in respect of the property comprised in S.F.No.87/1 measuring an extent of 0.77 cents at 140 Thiruvanmiyur Village, Mylapore - Triplicane Taluk, Madras District in the name of Padmini Chandrasekar, acquire the land for the purpose of Besant Nagar Phase II constructions dated 8.8.1981 published in Government publications.

For Petitioners : Mr.C.Selvaraj
For Respondents : Mr.R.Vijayakumar
Addl.Govt. Pleader for R1
Mr.B.Vivekavanam for R2

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.Heard Mr.C.Selvaraj, learned Counsel appearing for the petitioners, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice for the first respondent and Mr. B.Vivekavanam, learned counsel who accepts notice for the respondent No. 2

3.The petitioners seek for issuance of a writ of mandamus to direct the respondents to consider and pass suitable order on their representation dated 17.9.2012, regarding recovery of document dated 9.3.1912 vide document No.463/12, Book No.1, Volume 127 on the file of the Sub Registrar, Saidapet in Chennai District in respect of the property comprised in S.F.No.87/1 measuring an extent of 0.77 cents at 140 Thiruvanmiyur Village, Mylapore - Triplicane Taluk, Madras District in the name of Padmini Chandrasekar, acquire the land for the purpose of Besant Nagar Phase II constructions dated 8.8.1981 published in Government publications.

4.The petitioners would admit that the lands stood in the name of Padmini Chandrasekar and the lands were the subject matter of acquisition for the project of Tamil Nadu Housing Board at Besant Nagar viz. Besant Nagar Phase II project. The petitioners would admit that the acquisition proceedings attained finality in 1981 itself.

5.The learned counsel for the second respondent Board submitted that the Board has taken possession immediately thereafter and the project has been implemented and the petitioners are land grabbers and they are attempting to take over the property which has been vested with the Board. Further, it is submitted that already the Government has transferred the property and from 1985 onwards, the Board is in possession of the property and the present attempt of the petitioners is clear case of fraud.

6.On a perusal of the affidavit filed in support of the Writ Petition, as well as the genealogy chart produced by the petitioners in page No.1 of the typed set of papers, it is seen that the petitioners are not the original land owners and they claim to be the Class-II legal heirs and their further case is that the original land owner Padmini Chandrasekar though was married, had no issues.

7.All these contentions cannot be examined in a Writ Petition. Furthermore, the petitioners have absolutely no semblance of legal right to seek for re-conveyance, as they are not the erstwhile owner nor legal heirs of the erstwhile owner. Hence, the Writ Petition is clear abuse of process of Court.

8.In the result, the Writ Petition fails and the same is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa
To

- 1 The Secretary
Housing and Urban Development
Fort St. George
Chennai - 600 009
- 2 The Executive Engineer
Tamilnadu Housing Board
Besant Nagar, Chennai - 600 020.

+1 cc to M/S.C.Selvaraj Advocate sr.67177
+1 cc to M/S.B.Viveka Vannan Advocate sr.66982
+1 cc to the Government Pleader High Court,
Madras sr.67221

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