



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2015

CORAM

THE HON'BLE Mr. JUSTICE R.SUDHAKAR

AND

THE HON'BLE Ms. JUSTICE V.M.VELUMANI

W.P. (MD) No.1760 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

Koodal Pudur Tamil Nadu

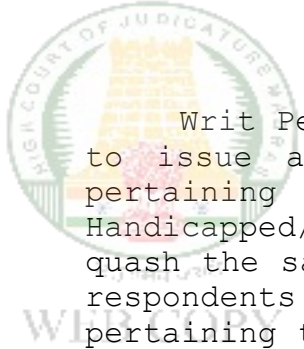
Veetu Vasadhi Varriyam (Pahuthi VI),
Veetu Urimaiyalarkal Podhu Nala Sangam,
represented by its Secretary
R. Subramanian

.. Petitioner

vs.

1. State of Tamil Nadu,
represented by its Secretary,
Department of Revenue,
Secretariat, Chennai - 600 009
2. The Managing Director,
Tamil Nadu Housing Board,
Nanthanam, Chennai - 600 035
3. The District Collector,
Madurai District,
Madurai - 625 020
4. The Chief Engineer,
PWD /WRO,
Madurai Region, Madurai - 625 002
5. The Executive Engineer,
and Administrative Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit, Ellis Nagar,
Madurai - 625 016
6. The District Forest Officer,
Madurai District, Madurai.
7. The Commissioner,
Madurai Corporation,
Madurai - 625 002

... Respondents



Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Lr.No.MH33/H.124/Sec.VI/12/G. Handicapped/ dated 07..12.2012 on the file of the respondent No.5 and quash the same as illegal and consequently for a direction, directing the respondents No.1 to 5 to cancel the allotment orders and the sale deeds pertaining to the vacant sites of the Housing Unit situated at Sector VI, Koodall Pudur, Madurai District issued after the order of this Hon'ble Court in W.P.No.3454 of 2007 dated 14.08.2008 and to direct the respondents No.7 and 8 to utilize the vacant site and its public utility area reserved for the allottees of Madurai North, Koodal Pudur Housing Scheme in 1994 in an extent of about 50 acres for protecting the environmental resources by way of planting trees, constructing park, rain water harvest tanks, play ground and further directing the respondent No.2 not to sell the Kanmai Land and the public utility area for housing sites and for commercial purpose or for any other purpose.

For Appellants ... Mr. T. Lajapathi Roy

For R1 to R4 ... Mr. M. Alagudevan

For R5 ... Mr. S. Nagarajan

JUDGMENT

(Judgment of the Court was made by V.M. VELUMANI, J.,)

The Writ Petition is filed as Public Interest Litigation, challenging the allotment order dated 07.12.2012, issued by fifth respondent, as illegal and for a direction to the respondents 1 to 5 to cancel allotment order and sale deed in respect of vacant sites of housing unit at Sector VI, Koodall Pudur, Madurai District, issued after the order of this court in W.P.No.3454 of 2007 dated 14.08.2008 and utilise vacant site and public utility area to protect the environmental resources.

2. According to the petitioner, 53.15 Acres of land in Thathaneri Kanmai, near Vaigai River, is required to be maintained as Tank. Due to lack of desilting, it is filled with sand and alluvial soil and very little water only could be stored. The balance, 114.83 Acres of land, situate in the lower part, is converted by fifth respondent for building houses and commercial buildings and for providing house sites and shopping complexes.

3. During the year 2005, Thathaneri Kanmai was flooded with water and flood water entered into house buildings in lower part. The peoples were kept in rehabilitation centres and compensation were paid to them. In the circumstances, the petitioner filed W.P.No.3454 of 2007 before this Court. This Court, and by order dated 14.08.2005, disposed of the said Writ Petition. The operative portion of the said order reads as follows:-

“4. Therefore, after hearing the learned counsel for the parties, we are satisfied that in order to meet the ends of justice, without going into the merits of the case, it would



suffice disposing of the Writ Petition with a direction to the respondents to consider the representation of the petitioner dated 10.02.2007 and pass appropriate orders. Accordingly, the respondents 1 to 3 are directed to consider the representation of the petitioner dated 10.02.2007 and pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner association, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of.

4. After the order of this Court, petitioner was called for personal hearing on 10.01.2008, in the office of the third respondent. According to the petitioner, he appeared and gave a statement on 09.01.2010. The petitioner received reply from the third respondent on 09.12.2012, that his representation is under consideration. Without passing any order, as per the orders of this court, the fifth respondent is allotting vacant site to third parties. According to the petitioner, action of the fifth respondent will lead to flooding of entire area and the respondents would be put to irreparable hardship. In the circumstances, he prayed for quashing of order of allotment made by the fifth respondent and to cancel the sale deed executed in favour of third parties. He also prayed for protecting the environment in that area.

5. We have heard the learned counsel appearing for both parties and perused the materials on record.

6. In the present Writ Petition, according to the petitioner, the respondents have violated the orders of this court dated 14.08.2008, by allotting vacant site to third parties. The said third parties are not made as party respondents in the Writ Petition. Further the grievance of the petitioner is that the respondents have not complied with the earlier order of this Court. In the circumstances of the case, it is sufficient to direct the respondents to consider and pass orders on the representation of the petitioner, as per the orders of this court dated 14.08.2008, made in W.P.No.3454 of 2007. The petitioner shall give a fresh representation, enclosing copies of the earlier order and other documents, along with this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the third respondent is directed to consider and pass orders on the representation, within a period of eight weeks thereafter, on merits and in accordance with law.

7. With the above direction, Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar



trp

To

1. State of Tamil Nadu, represented by its Secretary,
Department of Revenue, Secretariat, Chennai - 600 009
2. The Managing Director, Tamil Nadu Housing Board,
Nanthanam, Chennai - 600 035
3. The District Collector, Madurai District,
Madurai - 625 020
4. The Chief Engineer, PWD /WRO,
Madurai Region, Madurai - 625 002
5. The Executive Engineer, and Administrative Officer,
Tamil Nadu Housing Board, Madurai Housing Unit, Ellis Nagar,
Madurai - 625 016
6. The District Forest Officer, Madurai District, Madurai.
7. The Commissioner, Madurai Corporation,
Madurai - 625 002

+1CC to Mr.T.Lajapathi Roy Advocate Sr.No.46684

+1CC to Mr.S.Nagarajan Advocate Sr.No.46553

+1CC to Spl.Government Pleader Sr.No.46735

GJM/JGB/DP/SARI-22.9.15-4P-11C

W.P. (MD) No.1760 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

13.08.2015