

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13141 of 2016

and

W.M.P.No.11513 of 2016

1.S.Balaia @ Arokiados
S/o.Sundaram

2.A.Mujibur Rahman
S/o.Abdul Sathar

3.D.Dayalan
S/o.Dakshinamoorthy

4.S.Babu
S/o.Swamy Kutty

...Petitioners

vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Assistant Director (Panchayats)
Kancheepuram District.

3.The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

4.The President,
Kelambakkam Panchayat,
Thiruporur Union,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to re-allot the newly constructed shops to the petitioners situated in Survey No.87B/1 at Kelambakkam Bus Stop, Thiruporur Taluk, Kancheepuram District, pursuant to the representation dated 04.03.2016 within the stipulated time prescribed by this Court.

For Petitioners : Mr.L.Uthaya Kumar
For Respondents : Mr.M.L.Mahendran,
Government Advocate [R1 to R3]
Mr.K.J.Sivakumar [R4]

O R D E R

Heard Mr.L.Uthaya Kumar, learned counsel for the petitioner, Mr.M.L.Mahendran, learned Government Advocate for respondents 1 to 3 and Mr.K.J.Sivakumar, learned counsel for fourth respondent. By consent, the main writ petition itself is taken up for disposal.

2. Petitioners have filed this writ petition praying for a direction to the first respondent, District Collector, Kancheepuram, to consider the petitioners' representation dated 04.03.2016 and to re-allot the newly constructed shop at Survey No.87B/1 at Kelambakkam Bus Stop, Thiruporur Taluk, Kancheepuram District, to the petitioners.

3. Earlier, the petitioners have filed writ petitions in W.P.Nos.34945, 34946, 34947 and 34948 of 2012 seeking a direction to the respondents not to evict them from the shops which were leased out to them. The Division Bench of this Court by order dated 27.12.2012 disposed of the writ petitions and while doing so, it did not grant the relief prayed for but directed the petitioners to approach the first respondent and request him to accept the rental arrears and granted liberty to the first respondent to consider the claim of the petitioners and to take appropriate decision in accordance with law. The petitioners would state that they tendered the rental arrears and requested the respondents to consider their plea and permit them to continue in the shops in question. However, this request was not considered and it appears that the petitioners have been evicted from the shops and the shops have been demolished with a proposal to construct new shops. The fact that the petitioners have been evicted from the shops and the shops have been demolished has been admitted in the affidavit filed in support of the writ petition. In such circumstances, no positive direction can be issued to the respondents to re-allot the shops to the petitioner. Though the petitioners have given a representation to the first respondent, the shops in question are to be constructed by the fourth respondent and hence, the petitioners have to approach the fourth respondent and then only, they have to approach the District Collector.

4. In the aforesaid circumstances, the petitioners are directed to submit a representation to the fourth respondent along with a copy of this order setting out all their grievances and if the same is submitted, the fourth respondent shall

consider the same in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

gm

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Assistant Director (Panchayats)
Kancheepuram District.

3.The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

4.The President,
Kelambakkam Panchayat,
Thiruporur Union,
Kancheepuram District.

+ 1 cc to Mr.C.Uthayakumar, Advocate, SR 22594

+ 1 cc to Govt.Pleader, High Court, Madras SR 22522

rsy(co)
prk26/4

W.P.No.13141 of 2016

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