

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15302 of 2016

S.Duraipandian

... Petitioner

vs.

- 1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.
- 2.The District Collector,
Office of the District Collector,
Coimbatore District,
Coimbatore.
- 3.The Inspector General of Registration,
100, Santhome High Road,
Chennai-28.
- 4.The District Registrar (administration),
Office of the District Registration,
Collectorate Buildings,
Coimbatore-641 018.
- 5.The Sub Registrar,
Office of Sub Registrar,
Vadavalli, Coimbatore.
- 6.The Executive Engineer,
Tamil Nadu Housing Board,
Tadabath, Coimbatore-12.
- 7.The Tahsildar,
Taluk Office,
Dr.Balasundram Road,
Coimbatore North,
Coimbatore.
- 8.The Commissioner,
Coimbatore Corporation,
Coimbatore District.

9.The Village Administrative Officer,
Goundampalayam,
Coimbatore District.

10.The Superintending Engineer,
Tamil Nadu Housing Board,
Tadabath Power House,
Coimbatore District.

11.The Member Secretary,
Local Planning Authority,
Sivananda Colony,
Tadabath, Coimbatore-12.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to dispose of representation dated 5.2.2016 by taking steps to take possession of the land measuring to an extent of 50 cents comprised in Survey No.296(1) part situated at Arignar Annanagar Housing Unit, Goundampalayam Village, Coimbatore District earmarked for educational institution and to hand over the same to Anna Nagar Veettu Urimaiyalar Nala Sangam.

For Petitioner : Mr.S.Jayakumar

For Respondents : Mr.V.Ananda Moorthy,
for R.1 and R.6 and R.10
Mr.V.S.Ramesh,
Govt. Advocate,
for R.2 to R.5, R.7, R.9 and R.11
Mr.S.Saravanan,
for R.8

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to dispose of representation dated 5.2.2016 by taking steps to take possession of the land measuring to an extent of 50 cents comprised in Survey No.296(1) part situated at Arignar Annanagar Housing Unit, Goundampalayam Village, Coimbatore District earmarked for educational institution and to hand over the same to Anna Nagar Veettu Urimaiyalar Nala Sangam.

3. The case of the petitioner, in brief, is as follows:-

(a) The property measuring to an extent of 16.13 acres comprised in Survey Nos.293, 294 and 296 situated at Goundampalayam Village, Coimbatore North Taluk, Coimbatore District was acquired by the Tamil Nadu Housing Board and adopted a resolution dated 20.11.1987 proposing to undertake a scheme commonly known as Arignar Anna Nagar Neighbourhood Scheme. Prior to the resolution, it was duly sanctioned and approved for implementing the scheme by G.O.Ms.No.187, Department of Housing and Urban Development dated 8.3.1983 and sold to the prospective buyers. Out of the said land, a portion of the land measuring to an extent of 0.97 acre was allotted to the proposed school and temple.

(b) While so, the sixth respondent herein illegally sold 0.50 acres of land by dividing the same into six plots, to the prospective purchasers for a total sale consideration of Rs.71,44,900/- without obtaining any approval from the first respondent and misappropriated the money. The vacant land measuring to an extent of 50 cents, which was specifically allotted to the school was modified as residential plots without getting necessary approval from the concerned authorities. Further, the sixth respondent sent a letter dated 4.2.2016 addressed to the fourth respondent, admitting that the alleged order of allotment to the proposed six numbers of plots were fraudulently conveyed through forged documents by the predecessor without getting any approval from the department concerned. Then the same were subjected to sale to the prospective buyers. Further, departmental action was initiated and a criminal complaint was also forwarded to the police department. In this regard, the petitioner made a representation dated 5.2.2016 to the respondents, requesting them to re-convey the land. But, till date, no action was taken on the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1, 6 and 10 and the learned Government Advocate, for the respondents 2 to 5, 7, 9 and 11 and the learned counsel appearing for the eighth respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 5.2.2016 to the first respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the first respondent is directed to consider the said representation and pass appropriate orders / take appropriate action, on merits and in accordance with

law, by affording an opportunity of personal hearing to the petitioner as well as to the other necessary parties, if any, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sbi

To

- 1.The Managing Director,
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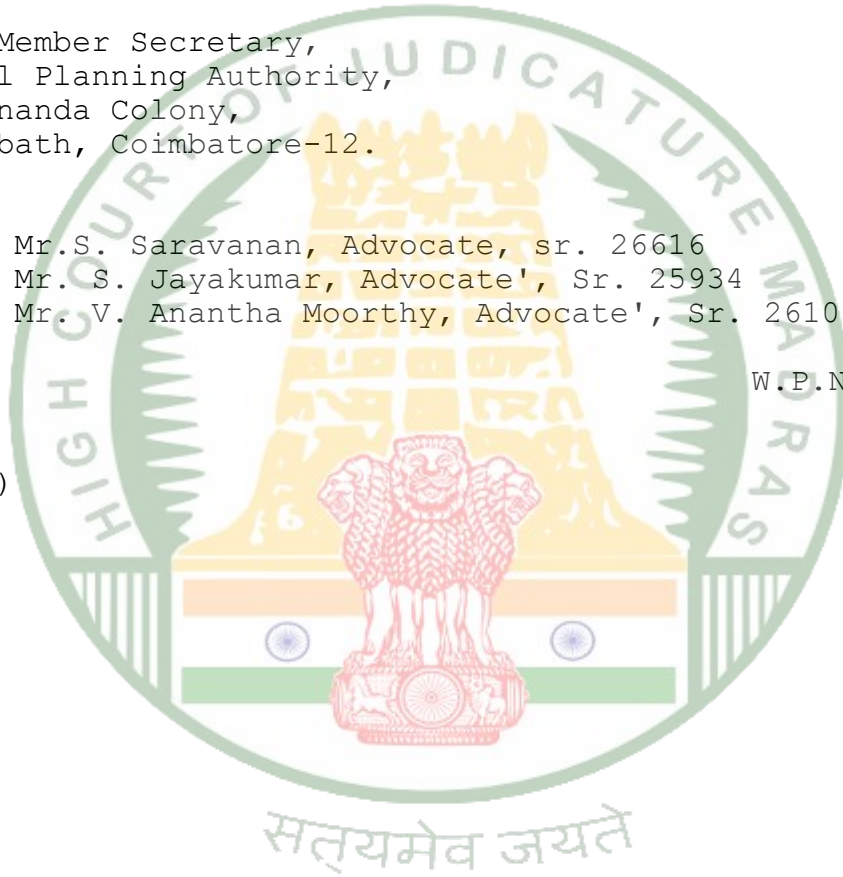
1 cc to Mr.S. Saravanan, Advocate, sr. 26616

1 cc to Mr. S. Jayakumar, Advocate', Sr. 25934

1 cc to Mr. V. Anantha Moorthy, Advocate', Sr. 26107

W.P.No.15302 of 2016

RSY (CO)
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