

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.19983 of 2015

and

M.P.No.1 of 2015

Pennurimai Pathukappu Iyyakkam
(Women Rights Protection Movement)
Tamil Nadu, rep. by its President, R.Thulasi.

...Petitioner

Vs

1. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 008.
2. The Chief Executive Officer,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing respondents to allot the lands to all the members of the Association, viz., Pennurimai Pathukappu Iyyakkam Women Rights Protection Movement, Tamil Nadu, the petitioner's Association, in all at 1518 members, who have duly applied to CMDA for the issue of such allotment, pertaining to the lands comprised in S.No.65, situate at Village No.78, Chithamannur, Chengalpet Taluk, at the earliest.

For Petitioner : Mr.D.Ashok Kumar

For Respondent-1 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent-2 : Mr.K.Rajasrinivas
Standing Counsel

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O R D E R

The petitioner, claiming itself to be a Women Rights Protection Movement, seeks for a direction to the respondents to allot the lands to its members, who are 1518 in numbers.

2. Heard the learned counsel appearing for the parties, and perused the averments made in the supporting affidavit of this Writ Petition and the documents filed in both typed set of papers.

3. The petitioner claims that its members are original occupants of the land, comprised in S.No.65, situate at Village No.78, Chithamannur, Chengalpet Taluk, and they have surrendered possession of the land to the Government, so as to facilitate the Government for construction of Koyambedu Wholesale Market Complex. From the averments made in the affidavit, filed in support of this Writ Petition, it is seen that the so called occupants were only encroachers, and therefore, they had no vested right to be in possession of the property. That apart, the petitioner, in this Writ Petition is not the so called encroacher, but, a Women Rights Organization, and at their instance, the question of issuing any direction to the respondents for allotment of the land does not arise, and the reliance placed by them on the order passed by this Court in W.P.No.12131 of 2003, dated 29.04.2009, is of little avail. Further, this Court is of the view that under the guise of an Association, such a claim cannot be permitted to be made. The learned counsel appearing for the petitioner has referred to an application for allotment along with guidelines, which have been filed in the additional typed-set of papers, and on perusal of the same, it is seen that the application is a blank format, and the details of the applicants are not furnished. Therefore, the petitioner cannot harp upon the conditions stipulated in the blank application.

4. For the aforesaid reasons, no grounds have been made out by the petitioner, for issuing direction, as sought for in the Writ Petition. Accordingly, the Writ Petition fails, and it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 008.
2. The Chief Executive Officer,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 008.

+lcc to Mr.K.Rajasrinivas, Advocate, S.R.No.22005
+lcc to Mr.D.Ashok Kumar, Advocate, S.R.No.21433
+lcc to the Government Pleader, S.R.No.21698

Writ Petition No.19983 of 2015

sv (CO)
srg (27/04/2016)



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