

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20238 of 2016

G.Faridha Banu

... Petitioner

Versus

1. The Director,
Directorate of Town Panchayat
Kuralagam, Chennai - 108.
2. The Zonal Assistant Director,
O/o.The Assistant Director for
Town Panchayat, Thiruvallur Zonal
2nd Floor, Collector Office
Thiruvallur 602001.
3. The Executive Officer
Gummidipoondi Town Panchayat
No.1, Mettu Street, Town Panchayat
Office, Gummidipoondi.
4. The District Collector
Thiruvallur District,
Thiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 4th respondent to assign two cents of land in Survey No.404/2 at Gummidipoondi village and Taluk, Thiruvallur District by considering the petitioner's representation dated 21.03.2016 and to pass appropriate order in accordance with the law within the time to be stipulated by this Court.

For Petitioner : Mr.T.P.Sekar

For RR 1 to 4 : Mr.R.Govindasamy
Special Government Pleader

ORDER

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

2. The petitioner would state that her forefathers and subsequently she, were in possession and enjoyment of the lands in Survey No.404/2, Gummidipoondi, for nearly 60 years, by way of an encroachment and also put up a superstructure, which has been provided with electricity service connection and also subjected to statutory levies. The petitioner would further state that the land in occupation of the petitioner along with the other lands, were acquired for the purpose of constructing a bus stand. The petitioner in this regard, has approached the Court of District Munsif, at Ponneri, by filing OS.No.101/1997, praying for permanent injunction, restraining the defendants therein, from interfering with her possession and enjoyment without due process of law and despite the pendency of the suit, the lands were taken out and the superstructure was demolished. The petitioner and her family moved to a rented premises and are in occupation. The grievance expressed by the petitioner is that though the land in occupation of the petitioner was acquired, some portion of the same remained un-utilised and some third parties had encroached upon it and putting up shops and in this regard, the petitioner has submitted representations on 20.10.2014 and 12.11.2014 praying for allocation of two cents of lands for her living and the 2nd respondent also had directed the Tahsildar, Gummidipoondi, to conduct an enquiry and inform the same to the petitioner as well as to their office and despite that, no response is forthcoming and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3. Heard the submissions of the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the Tahsildar, Gummidipoondi, to act on the letter of the P.A. to Collector [Lands], Thiruvallur District in O.Mu.No.22244/2014/Aa2 dated 12.12.2014 and the communication of the 2nd respondent in Na.Ka.No.629/2015-A3 dated 06.04.2015 and conduct an enquiry and pass orders within a period of six weeks from the date of receipt of a copy of this order, after putting on notice the persons concerned and communicate the decision taken, to the petitioner as well as to the persons concerned.

5. It is also made clear that it is open to the petitioner to submit one more representation to the Tahsildar, Gummidipoondi, along with a copy of the order passed in this writ petition as well as the copies of the earlier representations and if it is submitted, the Tahsildar, Gummidipoondi, is directed to consider and dispose of the same in the light of the above direction.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

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2. The Zonal Assistant Director,
O/o.The Assistant Director for
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4. The District Collector
Thiruvallur District,
Thiruvallur.
5. The Tahsildar,
Gummidipoondi,
Thiruvallur District.

+1cc to Mr.T.P.Sekar, Advocate, S.R.No.33221

W.P.No.20238 of 2016

PA(CO)
CA(01/07/2016)