

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.29137 of 2016

&

WMP.No.25176 of 2016

M.Neelakandan

... Petitioner

Vs.

1. The District Collector
Thiruvallur District,
Thiruvallur.
2. The Tahsildar
O/o.The Tahsildar
Ambattur, Thiruvallur District.
3. The President
Morai Village Panchayat
Main Road, Veerapuram,
Morai Post, Via Avadi IAF
Chennai 600 055.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents to deliver the petitioner's land to the extent of 2436 sq.ft in plot No.168 in Subash Nagar in Survey No.417/3, in Morai Village in Thiruvallur Taluk, which has been occupied by the Village Panchayat, Morai Village and the construction work done illegally in vacant position/possession.

For Petitioner : Prof.S.Krishnaswamy

For Rlto R3 : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

2. The petitioner claims to have purchased Plot No.168 in Subash Nagar layout in Survey No.417/3 bearing Patta

Nos.514 and 626, in Morai Village, Tiruvallur District, admeasuring to an extent of 2436 sq.ft., through a registered Sale Deed bearing Document No.2457/1997 dated 16.05.1997, registered on the file of the office of the Sub Registrar, Avadi, Tiruvallur District. The petitioner has purchased the said plot for putting up a superstructure. However, for the purpose of construction of VPSC Village Service Centre building, a trespass was committed on the land of the petitioner and when it was brought to the knowledge of the 3rd respondent by the petitioner, the 3rd respondent has passed a resolution, seeking approval of the District Collector, for allotting alternate land admeasuring the same extent, to the petitioner by way of Gift in Survey No.406/1 in the said place and thereafter, nothing has taken place. Subsequently, a Draft Agreement was also given to the petitioner for the purpose of exchange of the lands and the petitioner did not agree to the said proposal and he wants the return of his original plot and hence, he came forward to file the present writ petition.

3. Heard the submissions of the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, permits the petitioner to submit a fresh representation to the respondents 1 and 2 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 the respondents 1 and 2, on receipt of the same, are directed to consider the said representation in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

5. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Thiruvallur District,
Thiruvallur.
2. The Tahsildar
O/o.The Tahsildar
Ambattur, Thiruvallur District.
3. The President
Morai Village Panchayat
Main Road, Veerapuram,
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Chennai 600 055.

+1cc to Mr.S.Krishnaswamy, Advocate, S.R.No.47674

W.P.No.29137 of 2016

AD(CO)
CA(12/09/2016)



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