

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

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THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.6934 of 2016
and

W.M.P.No.6132 of 2016

G.Jebarani

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep.by its Secretary (Revenue Department)
St.George Fort,
Chennai - 9,
2. District Collector,
Kancheepuram,
Kancheepuram District,
3. The Thasildar,
Chengalpet Taluk,
Kancheepuram District,
4. The Revenue Divisional Officer,
Chengalpet Taluk,
Kancheepuram District,
5. The Village Administrative Officer,
Urapakkam village,
Chengalpet Taluk,
Kancheepuram District,
6. The Executive Engineer/Executive Officer,
Tamil Nadu Slum Clearance Board,
Sivalingapuram, K.K.Nagar Division,
Chennai.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to forbear respondents 2 to 6 from evicting or dispossessing the petitioner or demolishing petitioner's building in S.No.169 in Plot No.161, measuring 82.20 sq. meter in Selliamman Nagar, Mosque Street, Kilampakkam, Vandalur Post, Chennai-48 without giving either alternative site along with compensation for the petitioner's present occupied building as per petitioner's representation dated 22.01.2016.

For Petitioner : Mr.M.Thamizhavel
For Respondents : Mr.R.M.Muthukumar,
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition praying for issuance of a writ of mandamus to forbear respondents 2 to 6 from evicting or dispossessing the petitioner or demolishing petitioner's building in S.No.169 in Plot No.161, measuring 82.20 sq.meter in Selliamman Nagar, Mosque Street, Kilampakkam, Vandalur Post, Chennai-48 without giving either alternative site.

2. The petitioner's case rests upon an earlier order dated 30.6.2015 passed by the Honourable Division Bench of this Court in W.P.No.13493 of 2015 filed by one A.R.Farida. In the said writ petition, the petitioner sought to implement the proceedings of District collector, Kancheepuram in Se.Mu.Na.Ka. 6063/2014/A1 dated 17.7.2014. The Honourable Division Bench, after taking note of the stand taken by the District Collector in his affidavit, disposed of the said writ petition, the operative portion of the order reads as follows:

'6. According to the learned counsel for the petitioner, the alternative site has not yet been allotted and there is a pressure on the petitioner for vacating the place.

7. Pursuant to the notice of this Court dated 01.06.2015, the District Collector, Kancheepuram has filed an affidavit stating in paragraphs 5 and 6, as under:-

' (5) It is submitted that the petitioner already filed a writ petition in WP No. 33172 of 2013 and the Hon'ble Court has issued direction on 02.01.2014 to the Collector, Kancheepuram to consider and dispose of the application submitted by the petitioner for alternative site and such exercise should be completed in three months and the petitioner should not be disturbed till the disposal of the alternative site proposal completed.

(6) It is submitted that the alternate site was selected for the

petitioner and proposals were already submitted on 22.05.2014 to the 2nd respondent herein. The Collector in his Ref.10985/2012, dated 07.05.2015 has directed the RDO, Chengalpet to furnish the value of the land. On receiving the report of the valuation of the land and also after classification of land and other processes, the alternative site will be provided.''

8. Learned Special Government Pleader appearing for the respondents 1 to 5 submits that since the alternative site has already been identified and made available for allotment, patta will be issued at the earliest. He further submits that the petitioner's possession will not be disturbed, till the alternative site is allotted to her. ''

3. The petitioner prays that similar directions may be issued in the instant case. It is seen that in the above said case, the Collector took a specific stand with regard to the allotment of alternate land and therefore recording the same, the Court pointed out that nothing survives for adjudication in the said writ petition.

4. Mr.R.M.Muthukumar, learned Additional government Pleader appearing for the respondents, submitted that already action has been initiated for allotment of alternate land to the petitioner and in this regard, copy of the proceedings dated 16.9.2015 in Na.Ka.No.124/2013 of the Revenue Divisional Officer, Chengalpet addressed to the District collector has been produced, from which, it is pointed out that the petitioner is one of the beneficiary and her name is found in the tabular statement contained therein and the land, which is to be allotted to the petitioner is comprised in S.No.44/6 measuring an extent of 0.00.3 Ares.

5. In the light of the subsequent Development, respondents 2 to 4 are directed to finalise the matter so as to enable the petitioner to secure patta in respect of the property in question. It is submitted that the petitioner is still in possession of the property. In the above said case, before the Honourable Division Bench, it was undertaken that the petitioner therein will not be disturbed till alternate site is allotted. Therefore, if the petitioner is still continuing in possession, status quo with regard to possession prevailing as on today shall be maintained and the petitioner shall not be dispossessed till alternate site is allotted, if the petitioner is not already dispossessed.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary (Revenue Department)
State of Tamil Nadu,
St.George Fort,
Chennai - 9,
2. The District Collector,
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Kancheepuram District,
3. The Thasildar,
Chengalpet Taluk,
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6. The Executive Engineer/Executive Officer,
Tamil Nadu Slum Clearance Board,
Sivalingapuram, K.K.Nagar Division,
Chennai.

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No.14881
+1cc to the Government Pleader, S.R.No.15006

W.P.No.6934 of 2016

RSK(CO)
CA(17/03/2016)