

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7180 of 2016

and

WMP.No.6375 of 2016

Rev. Dr. George Antony Samy - The Bishop
Archdiocese of Madras - Mylapore
represented by
Rev. Fr.S.Ignatius Thomas (power agent)
Administrator - Properties,
Archbishop's House,
No.41, Santhome High Road,
Santhome, Chennai 600 004.

... Petitioner

vs.

1. The Chief Engineer,
Water Resources Department,
Chennai Region,
Palar Basin Circle,
Chepauk,
Chennai 600 005.
2. The Superintending Engineer,
Water Resources Department,
Palar Basin Circle,
Chepauk,
Chennai 600 005.
3. The Tahsildar - Guindy,
No.370, Corporation Zone Office,
Anna Salai, Richards Park,
Saidapet, Chennai - 15.
4. The Tahsildar - Thiruvallur,
Thiruvallur District,
Pincode - 602 001.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and dispose of the representation dated 18.02.2016 in accordance with law, after giving sufficient opportunity to the petitioner society to prove their claim on or before a date to be stipulated by this Court.

For Petitioner : Mr.H.Manojin

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and dispose of the representation of the petitioner dated 18.02.2016 in accordance with law, after giving sufficient opportunity to the petitioner society to prove their claim within the time stipulated by this Court.

2. It is the case of the petitioner that the petitioner Archdiocese of Madras - Mylapore is a Society registered under the Tamil Nadu Societies Registration Act. Recognizing the religious services carried on by them, then Governor in Council of Madras has given a land measuring to an extent of 32.79 Acres comprised in various Survey Numbers, situated at Venkatapuram Village, Mambalam-Guindy Taluk, Chennai District as grant vide title deed dated 11.12.1910 in favour of the Bishop of Mylapore in service of the Roaman Catholic Church at Little Mount Saidapet, which is known as Little Mount Mission. The settlement Tahsildar, Madras, after conducting enquiry, issued Ryotwari Patta under Section 11 read with Section 8(2)(9)(ii) of the Act. While so, the Government of Tamil Nadu, out of aforesaid 32.79 acres of lands, acquired 64 grounds of lands for public purpose and for construction of a bus depot and residential Colony. Thereafter, the Tahsildar, Mylapore-Guindy Taluk issued a patta for the remaining lands in favour of the Bishop, Mylapore, since he was elevated as Arch Bishop, Madras-Mylapore.

3. It is the further case of the petitioner that on 17.02.2016, the third respondent along with his officials, without prior notice and without measuring or surveying the properties, had made marking in the properties at Block No.2 in T.S.No.37, Block No.2 in T.S.No.3 and Block No.2 in T.S.No.39 and informed that the respondents 1 and 2 directed them to remove the encroachments near by the river. Immediately, the petitioner sent a detailed representation dated 18.02.2016 along with the relevant documents to respondents 1 and 2, copy of which is addressed to respondents 3 and 4 requesting them to stop the acquisition proceedings and hand over the property, if already acquired. However, till date, no order has been passed by the respondents. Therefore, the petitioner has filed the present petition for the above stated relief.

4. Heard Mr.S.Manojin, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who took notice for the respondents.

5. Considering the facts and circumstances of the case, this Court directs the respondents to consider the representation of the petitioner dated 18.02.2016, by affording an opportunity of personal hearing to the petitioner as well as the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

rk/cia

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Chief Engineer,
Water Resources Department,
Chennai Region,
Palar Basin Circle,
Chepauk, Chennai 600 005.
2. The Superintending Engineer,
Water Resources Department,
Palar Basin Circle,
Chepauk, Chennai 600 005.
3. The Tahsildar - Guindy,
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Saidapet, Chennai - 15.
4. The Tahsildar - Thiruvallur,
Thiruvallur District,
Pincode - 602 001.

+ 1 cc to Mr.K.Sankaranarayanan, Advocate, SR 14381

+ 1 cc to Govt.Pleader, High Court, Madras SR 14643

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