



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.3609 of 2013

R.Sarojini

.. Petitioner

-Vs-

1.The District Collector,
Madurai District,
Collectorate Complex,
Madurai.

2.The Commissioner,
Madurai Corporation,
Alagar Koil Road,
Tallakulam, Madurai - 625 002.

3.The Secretary to Local Body,
Tamil Nadu Government,
St. George Fort, Chennai.

4.Town Planning Authority,
Madurai Corporation,
Alagar Koil Road, Tallakulam,
Madurai.

.. Respondents

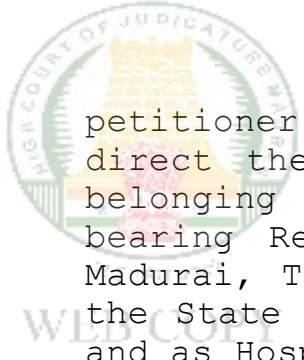
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, for issuance of writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.11.2012 to the respondents and consequently direct the respondents 2 and 3 to allot any one of the sites belonging to Madurai Corporation in lieu of petitioner's property vacant site bearing Re-survey No.182/1 measuring an extent of 49 cents in Madurai, Tallakulam Sub Division, K.Pudur having been acquired by the State Government and is now being utilized as a Daily Market and as Hospital and for other consequential reliefs.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr. Gunaseelan Muthaiah (for R1)

Mr.R.Murali (for R2)

This writ petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to consider the



petitioner's representation dated 15.11.2012 and consequently direct the respondents 2 and 3 to allot any one of the sites belonging to Madurai Corporation in lieu of petitioner's property bearing Re-survey No.182/1 measuring an extent of 49 cents in Madurai, Tallakulam Sub Division, K.Pudur having been acquired by the State Government and is now being utilized as a Daily Market and as Hospital and for other consequential reliefs.

2. According to the petitioner, a land acquisition proceedings was initiated against the petitioner land, wherein the Corporation of Madurai was a beneficiary. Challenging the above proceedings, he filed the writ petition and the same was also dismissed. Thereafter, no award was passed and no compensation was paid to the petitioner. In the above circumstances, he made a representation to the respondent / Corporation requesting them to allot a vacant site in exchange of the property acquired from the petitioner. The above representation was made on 15.11.2012 and since so far the order was not passed, hence he filed the present writ petition.

3. The second respondent has filed counter contended that the award has already been passed by the authority and award amount was also deposited in the treasury and no vacant land is available with the Corporation for allotting to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the first respondent and the learned counsel appearing for the second respondent.

5. The learned counsel for the petitioner would submit that the averments made in the counter affidavit is not correct, there are unused vacant sites are available in the K.K.Nagar opposite to new LIG Colony and near water tank of K.K.Nagar and some other places.

6. The learned counsel appearing for the first respondent submitted that the award has been passed and the award amount was also deposited in the treasury, so far as the petitioner has not withdraw the amount, in the said circumstances, the request of the petitioner is to allot a vacant site to him in lieu of the Land Acquisition from the respondents cannot be considered.

7. In the above circumstances, without going into the merit of the case, the second respondent/ Corporation is directed to consider the petitioner's representation dated 15.11.2012 and pass orders on merits and in accordance with law after affording opportunity to the parties, within a period of 12 weeks from the date of receipt of a copy of this order.



8. With the above observation, the writ petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Madurai District,
Collectorate Complex,
Madurai.
2. The Commissioner,
Madurai Corporation,
Alagar Koil Road,
Tallakulam, Madurai - 625 002.
3. The Secretary to Local Body,
Tamil Nadu Government,
St. George Fort, Chennai.
4. Town Planning Authority,
Madurai Corporation,
Alagar Koil Road, Tallakulam,
Madurai.

+One cc to Mr. R. Murali, Advocate, SR.No.69637
+One cc to Mr. V. Raghavachari, Advocate, SR.nO.69985
vs
RL/7C/3P/KM/30.11.2016

W.P. (MD) No. 3609 of 2013

16.11.2016.