

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.33052 of 2013

1.Bulganin R. Abraham
2.R.Pasupathy

... Petitioners

Vs.

1. The Member Secretary
Chennai Metropolitan
Development Authority
No.8 Gandhi Irwin Road
Egmore, Chennai - 8.
2. The Executive Engineer
Chennai Metropolitan
Development Authority
No.8 Gandhi Irwin Road
Egmore, Chennai - 8.
3. The Special Tahsildar
(Land Acquisition)
Koyambedu, Chennai - 600 092.
4. The Tahsildar
Egmore -Nungambakkam Taluk
Chetpet, Chennai - 31.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioners' representation dated 04.04.2013 and thereby direct the respondents to provide permanent pathway to the petitioners residential property situated in S.No.198/1-A and 198/2, Avvai Thiru Nagar, 5th Cross Street, Koyambedu, Chennai- 600 092 on the light of the order passed in W.P. No.14360/ 1989 dated 23.07.1998 immediately and pass further orders.

For Petitioner : Mr.R. Surya Prakash

For Respondents : Mr.P.Tamil Mani for R1 & R2
Mr. S. Navaneethan,
Additional Government Pleader
for R3 & R4

O R D E R

The petitioner has filed the present writ petition, seeking to direct the 1st respondent to consider the petitioners' representation dated 04.04.2013 and thereby direct the respondents to provide permanent pathway to the petitioners residential property situated in S.No.198/1-A and 198/2, Avvai Thiru Nagar, 5th Cross Street, Koyambedu, Chennai- 600 092, in the light of the order passed by this Court in W.P. No.14360/1989 dated 23.07.1998 immediately.

2. Learned counsel for the petitioners would submit that out of the total extent of the land possessed by the petitioner, lands in Survey No.198/1-A and 198/2 that were sold by the petitioners, along with the lands in Survey No.201/1 in Koyambedu Village were acquired by the Government for some Government scheme. However, the same were not utilised for the purpose for which it was acquired and the same was vacant. Since the balance 10 cents of land, which was in possession of the petitioners, were surrounded by houses on four corners, the petitioner and his family members were using 15 feet of the said land as a pathway, to reach their residential houses. Now the Government is attempting to put up a canal, due to which the pathway to reach their residence will be blocked. The petitioner and his family members have been making representations to the concerned authorities, from the year their land was acquired, seeking to provide a permanent pathway to reach their residential property. Now the subject land has come under the jurisdiction of Chennai Corporation. Since no action has been taken by the respondents on their previous representations to provide a permanent pathway, the petitioner again submitted detailed representation on 04.04.2013. Therefore, the petitioner has filed the present writ petition before this Court, seeking the aforesaid prayer. However, learned counsel for the petitioner would now submit that it would be suffice if the representation of the petitioner dated 04.04.2013 is considered by the respondents on merits.

3. Learned counsel for the respondents would submit that as stated by the petitioner, if the representation of the petitioner dated 04.04.2013 is still pending, the same would be considered, in accordance with law.

4. Heard learned counsel for the parties and perused the material available on record.

5. Considering the facts and circumstances of the case and the submission of the learned counsel for the parties, without going into the merits of the case, this Court is

inclined to direct the 1st respondent, to consider the representation dated 04.04.2013 of the petitioner, on merits and in accordance with law, as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Member Secretary
Chennai Metropolitan
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Egmore, Chennai - 8.
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Egmore -Nungambakkam Taluk
Chetpet, Chennai - 31.

+1cc to Mr.P.Tamil Mani, Advocate, S.R.No.10197
+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.9555
+1cc to the Government Pleader, S.R.No.9947

W.P.No.33052 of 2013

AK(CO)
CA(18/04/2017)