

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.38501 of 2016
and
W.M.P.No.32973 of 2016

K.Bhuvaneswari
Rep. by her General Power of Attorney
K.Gajalakshmi

... Petitioner

Vs.

1. The Principal Secretary to Government of Tamil Nadu, Highways and Minor Ports (HW2) Department, Fort St.George, Chennai 600009.
2. The District Collector, Kancheepuram, Kancheepuram District.
3. The Special Tahsildar (Land Acquisition). Inner Ring Road Plan, Chrompet, Chennai 600 044.
4. Meenakshi
5. Narmatha
6. Senthil Kumar

...Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to consider the representation dated 22.07.2013 made by the Petitioner herein.

For Petitioner : Ms.K.Gajalakshmi, in Person.

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader
for R1 to R3
Mrs.Vijayakumari Natarajan
for R4 to R6

ORDER

The petitioner, claiming title to the property, which has been included in the acquisition proceedings, has come forward with this writ petition, seeking a direction to the second respondent to consider her representation dated 22.07.2013.

2. This is a second round of litigation. On the earlier litigation filed at the instance of the contesting private respondents, the petitioner filed an application to implead in M.P.No.1 of 2015. The writ petition in W.P.No.22664 of 2014 was filed for a direction pass the award. By the order dated 27.11.2015, this Court, while rejecting the impleading petition filed by the petitioner, directed the third respondent therein to conclude the proceedings after due opportunity. The following paragraphs would be relevant:

4. In the interrugnum, an impleading petition has been filed by one K.Gajalakshmi, D/o.(Late) K.M.Kamalakannan stating that her mother's brother is Alagesan. He died leaving behind four legal heirs viz., (i)Kullammal (ii)Meenakshi (iii)Narmadha (iv) Senthil Kumar. One of the legal heir Kullammal, died in the year 2002 and hence her daughter, son and pre-deceased son's wife, daughter and son become the legal heirs of the deceased Kullammal. With these facts, the said Gajalakshmi, who is appearing in person seeks to implead in the Writ Petition. In my view, the question of impleading the said Gajalakshmi does not arise, since this Court is not adjudicating the title of the property. Hence M.P.No.1 of 2015 is disposed of, leaving it open to the petitioner in M.P.No.1 of 2015 in W.P.No.22664 of 2014 to work out her remedy before the appropriate forum in the manner known to law.

5. Accordingly, the Writ Petition is also disposed of, directing the third respondent to conclude the proceedings pursuant to the notice dated 29.11.2013, after considering the petitioners' written submissions and after notice to the petitioners' and also others who are likely to be affected and affording an opportunity of personal hearing. The above directions shall be complied with within a period of eight weeks. No costs.

3. Thereafter, the award has been passed on 30.04.2017, which does not include the name of the petitioner, who is now represented by the power agent, who appears in person.

4. What the petitioner seeks to adjudicate is a title dispute. According to the petitioner, the partition deed entered into in the year 1985, though registered, is not genuine. As rightly held by this Court on the earlier occasion in W.P.No.22664 of 2014 dated 27.11.2015, the remedy of the petitioner lies elsewhere. This is a re-litigation. Accordingly, the writ petition stands dismissed, giving liberty to the petitioner to workout the remedy before the appropriate forum, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Principal Secretary
Government of Tamilnadu,
Highways and Minor Ports (HW2) Department,
Fort St.George, Chennai 600009.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The Special Tahsildar (Land Acquisition).
Inner Ring Road Plan,
Chrompet,
Chennai 600 044.

+lcc to Ms.K.Gajalakshmi, Party in Person, S.R.No.41975
+lcc to the Government Pleader, S.R.No.42126
+lcc to Mr.S.Natarajan, Advocate in sr.no.41471(03/07/2017)

W.P.No.38501 of 2016

EV(CO)
CS/19/06/17