



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.4136 of 2014

H.Pushpavanam

... Petitioner

Vs.

1.The Secretary,
Department of Housing and Urban Development,
Fort St.George,
Chennai 600 009.

2.The Managing Director, TNHB,
Anna Salai, Nandhanam,
Chennai - 35.

3.The District Collector,
Madurai District, Madurai.

4.The Executive Engineer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Madurai - 10.

5.The Special Tahsildhar (Land Acquisition),
Ellis Nagar Scheme,
Madurai.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents authorities to deliver possession of the properties measuring 5.5 cents in S.No. 6/1B Ponmani Village, Madurai District, forthwith without encroachment and permit the petitioner to demolish the wall constructed by the 4th respondent.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.S.Kumar,
Additional Government Pleader
for R.1, R.3 & R.5
No appearance for R.2
Mr.S.Nagarajan for R.4

**ORDER**

The petitioner seeks for a Writ of Mandamus directing the respondents to deliver possession of the properties measuring an extent of 5.5 cents situated in S.No.6/1B, Ponmani Village, Madurai District and to permit him for demolishing the wall constructed therein.

2. According to the petitioner, his property in S.No.6/1B, Ponmani Village, Madurai, admeasuring 5.5 cents, along with some other properties belonging to some third parties, were acquired by the fifth respondent in favour of the second respondent. With regard to the same, the second respondent issued a notification under Sec.4(1) followed by a Sec.6 declaration, in the year 1979. The said declaration came to be challenged before the Principal Seat of this Court and the same was quashed, by order dated 07.04.1983. Pursuant to the same, the second and fifth respondents neither issued fresh declaration nor handed over the possession to the petitioner and other land owners. In this regard, the petitioner submitted various representations and the same were kept pending, without meeting its fate. In the meanwhile, the other land owners filed individual writ petitions seeking possession of their respective lands, which ended in their favour, in the year 2006. Following the same, the present writ petition has been filed by the petitioner seeking the aforesaid prayer.

3. Heard the learned Counsel appearing for the parties. There is no representation for the second respondent.

4. When the matter was listed for hearing on 02.08.2017, the petitioner was directed to go before the Executive Engineer/ fourth respondent herein, to prove his claim by duly producing necessary documentary evidence.

5. Today, the learned Counsel appearing for the fourth respondent, on instructions, submitted that the petitioner has submitted all the required documentary evidence and he further submitted that the fourth respondent will take appropriate action, thereby, passing all the materials to the second respondent herein, who in turn pass necessary orders.

6. In view of the foregoing discussions, the fourth respondent is directed to forward all the materials to the second respondent, forthwith. On receipt of the same, the second respondent is directed to pass an appropriate speaking order on the same, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

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Department of Housing and Urban Development,
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+1cc to Mr.S.NAGARAJAN Advocate in SR. No.75435

GK

JS/KK/SAR.2/12.09.2017/3P-7C

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