



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5274 of 2014

and

W.M.P. (MD) .No.11574 of 2017

and

M.P. (MD) .No.1 of 2014

T.P.S.Ponkumaran

: Petitioner

Vs.

1.The Secretary to Government,
Ministry of Commerce and Industries,
Department of Industrial Policy
and Promotion,
Udhyog Bhavan,
New Delhi-110 001.

2.The Salt Commissioner,
O/o. Salt Commissioner,
2A, Lavan Marg, Lavan Bhawan,
Jhalana Doongri, Jaipur -302 004.

3.The Deputy Salt Commissioner,
O/o.The Deputy Salt Commissioner,
26, Haddows Road,.
Shastri Bhawan, Chennai-6.

4.The Assistant Salt Commissioner,
O/o. The Assistant Salt Commissioner,
No.80, George Road.
Tuticorin-628 001.

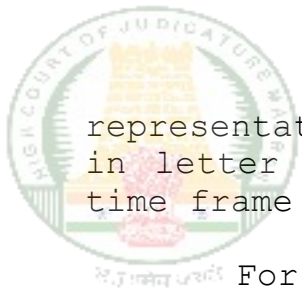
5.The Deputy Superintendent of Salt,
Urani Salt Factory,
Tuticorin-628 008.

6.The Deputy Director,
Town and Country Planning Department,
Tirunelveli.

: Respondents

(Respondent 6 is suo motu impleaded vide Court
order dated 20.07.2017 in W.P. (MD) .No.5274 of 2014)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the fifth respondent dated 28.02.2014 made in F.No.10/Lands/97/106-109, quash the same and directing first and second respondents to consider the petitioner's



representations based on the recommendations from fourth respondent in letter dated 19.12.2012 as made to third respondent within the time frame fixed by this Court.

For Petitioner : Mr.G.Newton Raj
For R.1 to R.5 : Ms.S.Srimathy
Senior Standing Counsel
For Central Government
For R6 : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

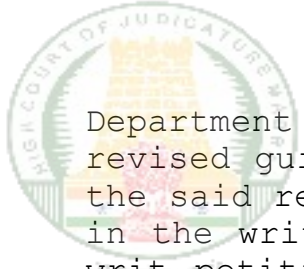
The writ petitioner challenges the proceedings dated 28.02.2014 issued by the fifth respondent herein. By the impugned order, the fifth respondent called upon the writ petitioner to remove the encroachment in salt departmental land measuring an extent of 0.6937 acres in R.S.NO.1/2B (P) and R.S.NO.4/2B (P) of Mullakadu Village in Urani Salt Factory.

2.Infact, on 03.02.2014, the request for transfer of the said land in favour of the petitioner was declined. Interim order of Status-quo was granted in the present writ petition and taking advantage of the same, the writ petitioner appears to have put up constructions also.

3. On 19.07.2017, the learned Counsel for the writ petitioner filed a memo seeking permission to withdraw the writ petition. When the case was posted for withdrawal, the learned Senior Standing Counsel appearing for the respondents opposed the said request. It was contended by the learned Standing Counsel for the respondents that the writ petitioner had taken advantage of the interim order granted by this Honourable Court. Hence, this Court rejected the said request made by the learned counsel appearing for the petitioner.

4.When the matter was posted again, an application was filed for substitution. It was brought to the notice of this Court that the writ petitioner had sold his property including the encroached land in favour of the third respondent. We deprecate the conduct of the writ petitioner.

5.Today, the Salt Department, Tuticorin, stated before this Court that the encroached land was taken over by the department. Even on merits there is absolutely no substance in the writ petition. The materials enclosed by the writ petitioner himself in the typed set of papers would show that the subject land belongs to the Salt Department and that the writ petitioner wanted the Salt



Department to transfer the same in his favour. But, as per the revised guidelines, such a transfer is not permissible. Therefore, the said request was rejected and only thereafter the order impugned in the writ petition came to be passed. The order impugned in the writ petition is sustained. It is open to the Salt Department to proceed against the petitioner in the manner known to law.

6.The Writ Petition is dismissed with the aforesaid observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Ministry of Commerce and Industries,
Department of Industrial Policy
and Promotion.
Udhyog Bhavan,
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Urani Salt Factory, Tuticorin-628 008.
- 6.The Deputy Director,
Town and Country Planning Department,
Tirunelveli.

+1cc to M/s. SRIMATHY Advocate in SR. No.72521

+1cc to M/s. N.GA.NATRAJ Advocate in SR. No. 72825

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.72942

TSG

JS/SV.MMS/SAR.1/8.9.2017/3P-10C