

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH, ACJ
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.20742 of 2018
and
C.M.P.Nos.24371 & 24372 of 2018

1 P.Vijayan
2 V.Kuppuraj
3 K.Muthukumaran
4 M.Subramanian
5 P.K. Thiagarajan

.....Petitioners

vs.

1 The Government of Tamil Nadu
Rep. by Secretary to the Government
Municipal Administration and Water Supply
Department
Fort St. George Chennai - 9
2 The Director of Town Panchayat
Kuralagam Chennai
3 The District Collector
Tiruppur District Tiruppur
4 The Assistant Director of Town Panchayat
Erode Region Erode and District
5 The Special Officer/ President
Avinashi Town Panchayat
Avinashi Tiruppur District

- 6 The Executive Officer/President
Avinashi Town Panchayat
Avinashi Tiruppur District
- 7 The Managing Director
Tamil Nadu Slum Clearance Board
Chennai - 5

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent in relation to the G.O.Ms.No. 71 Municipal Administration and Water Supply (Town Panchayat 2) Department dated 13.07.2018 issued by the 1st respondent and quash the same and issue a consequential direction to respondents No. 1 to 6 to use the land in Survey No. 144 Avinashi, Tiruppur District for the beneficial use of Avinashi Town Panchayat, Tiruppur District and for construction of house for low income group and its employees.

For petitioner : Mr.R.Saseetharan
For RR 1 to 6 : Mr.T.N.Rajagopalan, Government Pleader
For R7 : Mr.M.Rajasekhar

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed by the Ex-President of Avinashi Town Panchayat and some of the residents of the same locality challenging the G.O.Ms.No. 71 Municipal Administration and Water Supply (Town Panchayat 2) Department dated 13.07.2018 issued by the 1st respondent and quash the same and issue a consequential direction to respondents No. 1 to 6 to use the land in Survey No. 144 Avinashi, Tiruppur District for the beneficial use of Avinashi Town Panchayat, Tiruppur District and for construction of house for low income group and its employees.

3. According to the petitioners, the land in question was procured for valuable consideration by the Avinashi Town Panchayat, however, a portion of the same is now sought to be transferred to the Slum Clearance Board, free of cost, in relaxation of conditions laid down in G.O.Ms.No.35 dated 17.2.21997 and G.O.Ms.No.96 dated 18.7.2000 and thereby a loss to the tune of Rs.8 crores would be caused to the Avinashi Town Panchayat.

4. It appears that the land in question, which was found in excess, is sought to be transferred to Slum Clearance Board for the purpose of construction of houses for low income group and sanitary workers, as part of Town Planning. If at all the petitioners are aggrieved by the same, it is for them to have better knowledge about the Town Planning by approaching the the Town Planning authorities and if they feel that they are aggrieved even after getting enlightened, it is for them to approach the appropriate forum. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Government of Tamil Nadu
Rep. by Secretary to the Government
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Avinashi Tiruppur District

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Tamil Nadu Slum Clearance Board
Chennai - 5

+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.55284

+1cc to Mr.R.Saseetharan, Advocate, S.R.No.55449

+1cc to the Government Pleader, S.R.No.55480

W.P.No.20742 of 2018

SJ(CO)
GSP(08/10/2018)



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