

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.657 of 2017 and
C.M.P.No.9158 of 2017

Pennurimai Pathukappu Iyyakkam
(Women Rights Protection Movement)
Tamil Nadu
Represented by its President R.Thulasi
No.2, 4th Street,
Gajalakshmi Colony,
Shenoy Nagar, Chennai - 600 030.

...Appellant

Vs

1.The Member Secretary
The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Egmore, Chennai - 600 008.

2.The Chief Executive Officer,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai
Egmore, Chennai - 600 008.

...Respondents

Prayer:- Writ Appeal filed under clause 15 of the Letter Patent to set aside the order dated 05.04.2016 made in W.P.No.19983 of 2015.

W.P. No 19983 of 2015:

Petition presented under Article 227 of the constitution of India to issue a Writ of Mandamus directing respondent to allot the lands to all the members of the Association, viz., Pennurimai Paarthukapu Iyyakkam(Women Rights Protection Movement)Tamil Nadu, the Petitioner's Association, in all at 1518 Members, who have duly applied to CMDA for the issue of such allotment, pertaining to the lands composed in S. No 65 situate at Village No 78,Chithamannor, Chengalpet Taluk at the earliest.

For Appellant : Mr.D.Ashok Kumar

For Respondents: Mr.K.Raja Srinivas
Standing Counsel

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

The appellant, who is an association stated, to have been formed for protecting the interest of women, filed a writ petition before this Court to direct the Chennai Metropolitan Development Authority to allot plots to the encroachers based on their occupation earlier. The writ petition was dismissed by the learned single Judge. The said order is under challenge in this appeal.

2. We have heard the learned counsel for the appellant. We have also heard the learned Standing Counsel for the Chennai Metropolitan Development Authority (hereinafter referred to as the "CMDA").

3. The appellant is admittedly an Association. There is no question of directing the CMDA to allot land to the encroachers or who were in possession of 'B' Memo at the instance of the appellant. The learned single Judge was therefore correct in dismissing the writ petition.

4. In case, 'B' Memos were issued by the authorities, nothing prevented the concerned encroachers to approach the authority for allotment, if they are entitled for such allotment. We are informed by the learned Standing Counsel for the CMDA that not even a single encroacher filed application before the CMDA claiming that he was issued with a 'B' Memo and that he should be given allotment.

5. While confirming the order passed by the learned single Judge, we make it clear that this judgment would not stand in the way of the concerned persons to approach the authorities for allotment of plot, if they are otherwise entitled to. Such application would be considered by the authorities after due verification with regard to the genuineness of the claim.

6. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

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To

1.The Member Secretary
The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Egmore, Chennai - 600 008.

2.The Chief Executive Officer,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai
Egmore, Chennai - 600 008.

+1 CC to Mr.D. Ashok Kumar, Advocate sr 1518.

W.A No.657 of 2017

RSY (CO)
SP (06/02/2018)



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