

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.23610 of 2017 and
WMP.Nos.24798 and 24799 of 2018

I.Panneer Selvam

...Petitioner

Versus

1. Executive Engineer,
B.Canal Division,
Public Works Department,
Chepauk, Madras-5.
2. The State of Tamil Nadu reep. By its
Commissioner and Secretary to Government,
Public Works Department,
Chennai-9.
3. Corporation of Madras,
Represented by its Commissioner,
Revenue Department,
Ripon Buildings, Chennai-3.
4. The Administrative Engineer,
Special Division-Chennai-III
Tamil Nadu Slum Clearance Board,
No.33, Venkat Narayana Road,
Nandanam, Chennai-35.
5. The Chairman,
National Highways Authority of India,
Ministry of Road Transport and Highways,
G-5 & 6 Sector 10, Dwaraka,
New Delhi-110 045.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Letter No.628/A2/SE.SI.CO-3/2017, dated 17.8.2017 issued by the 4th respondent herein and quash the same insofar as the demand of Rs.2,20,150/- at Rs.629/- sq.ft. for the excess area and to direct to provide alternate site for the petitioner asper the

Rehabilitation and Resettlement under the four lane elevated express way from Chennai Port to Maduravoil Project Scheme in accordance with law in the rehabilitation Scheme on the ground of alternate site at Auto Nagar, Appur and Perumal Thangal Village, Chengalpet Taluk, Kancheepuram District.

For Petitioner : Mr.K.Sivakumar
For Respondents : Mr.A.Kumar, AAG
Assisted by Mr.R.Govindasamy
Special Government Pleader for R1&R2

Mr.M.T.Arunan,
Central Govt. Standing Counsel for R5

Mr.R.Sivakumar, Standing Counsel for R4

O R D E R

The Writ Petition has been filed challenging the impugned order passed by the 4th respondent dated 17.08.2017 and to quash the same insofar as the demand of Rs.2,20,150/- at Rs.629/-sq.ft. for the excess area with a direction, directing the respondents to provide alternate site for the petitioner as per the Rehabilitation and Resettlement under the four lane elevated express way from Chennai Port to Maduravoil Project Scheme in accordance with law in the rehabilitation Scheme on the ground of alternate site at Auto Nagar, Appur and Perumal Thangal Village, Chengalpet Taluk, Kancheepuram District.

2. When the matter was taken up for hearing, the learned Additional Advocate General appearing for the respondents 1 and 2 submitted that the request of the petitioner for grant of alternate accommodation has been considered and all of them have already been issued with allotment orders granting him alternate accommodation. Therefore, nothing survives in the matter.

7. Recording the said statement of the learned Additional Advocate General appearing for the respondents 1 and 2, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are also closed.

(*)3.This matter is taken up under the caption "for being mentioned" at the instance of the learned counsel for the petitioners and Mr.A.Kumar, learned Additional Advocate General for the respondents.

4. It is stated by the counsel for the petitioners that the proceeding dated 19.02.2018 of the first respondent / the Secretary, Public Works Department, Chennai, says that the

petitioners would be allotted with alternative accommodation on production of certain documents Viz., Aadhar card, Ration Card, Voter ID, etc. However, it is clarified by the learned Additional Advocate General for the respondents that on production of such documents as stated in the proceedings dated 19.02.2018, the petitioners would be entitled to take possession of their respective Plot.

5. Another grievance of the Petitioners is that the petitioners may be given two months period to taken possession of the alternative accommodation given from the present accommodation. Replying to the said submission, Mr.A.Kumar, learned Additiona Advocate General emphatically stated that since the alternative accommodation has already been given to the petitioners, they will have to move into the alternative accommodation, hence, they cannot seek for two months time for vacating the present accommodation as they will be permitted to take possession of the same immediately on production of certain documents such as ration card, Aadhar card, etc., as stated in the proceedings dated 19.02.2018.

6. It is also the further grievance of the petitioners that the respondents have allotted 300 sq.ft. On free of cost to some of the petitioners, however, they have not mentioned anything about the persons allotted with more then 300 sq.ft., therefore, this aspect may be clarified. Clarifying this argument, learned additional Advocate General stated that each allottee is entitled to the allotment to an extent of 300 sq.ft. On free on cost, however, if any one is seeking more space, on payment of Rs.650/- per sq.ft., they can approach the authorities with an application and thereafter, the same will be considered subject to the availability of the plot in question.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-iv)

(*) Para 3 to 6 are incorporated as per
order dated 02/03/2018

//True Copy//

Sub Assistant Registrar

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To

1. Executive Engineer,
B.Canal Division,
Public Works Department,
Chepauk, Madras-5.
2. The Commissioner and Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Chennai-9.
3. The Commissioner,
Corporation of Madras,
Revenue Department,
Ripon Buildings, Chennai-3.
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Ministry of Road Transport and Highways,
G-5 & 6 Sector 10, Dwaraka,
New Delhi-110 045.

+1cc to the Government Pleader, S.R.No. 54104
+2cc to Mr.MD.IBRAHIM ALI, Advocate, S.R.No.52965
+1cc to Mr.R.SIVAKUMAR, Advocate, S.R.No.52482

W.P.No.23610 of 2017

TR(24/08/2018)

सत्यमेव जयते

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