

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.26133 of 2012
&M.P.No.1 to 3 of 2012

K.Mangalam Krishnan

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Rural Development Department,
Fort St. George,
Chennai - 600 009.
 2. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
 3. The Junior Engineer,
Zone-III (Madhavaram),
Unit-VI, Division-22,
Corporation of Chennai,
Chennai - 600 003.
 4. The District Collector,
Chennai District,
Chennai.
- ...Respondents

[R4 impleaded as per the order of this Court,
dated 19.10.2012 in M.P.No.4 of 2012
in W.P.No.26133 of 2012]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relevant to the order in Ma.A.3.Na.Ka.No.1541/2012/A3, dated 28.07.2012 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, arbitrary, against the rule of land and natural justice and thereby direct the respondents to allot 5 cents of land in Survey No.529/2, North to South side property at No.58, Kannappasamy Nagar Main Road, Puzhal, Chennai-66.

For Petitioner : Mr.P.A.Chithramani
For Respondents: Mr.B.Anand, G.A. (for RR1 & 4)
Dr.C.Ravichandran, Standing Counsel,
(for RR2 & 3)

ORDER

The petitioner has filed this Writ Petition, challenging the order of the 2nd respondent dated 28.07.2012, whereby, the request of the petitioner to allot 5 cents of land in Survey No.529/2, North to South side property at No.58, Kannappasamy Nanagar Main Road, Puzhal, Chennai, was rejected.

2. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 4 and the learned Standing Counsel for the respondents 2 and 3.

3. The learned counsel for the petitioner submitted that the ancestors of the petitioner have been residing in the same place for more than 100 years. But the respondents without following due process of law have demolished the house of the petitioner. However, the Revenue Officials have granted patta in respect of the other encroachers in the same Survey Number.

4. It is further submitted that the petitioner's application for allotment of alternative site in the Revenue Department is pending since 2011 and if a direction is issued to the 4th respondent to consider the application of the petitioner, he would be satisfied.

5. The learned Standing Counsel for the respondents 2 and 3 submitted that after evicting the encroachers, the Corporation has already laid a road in the land in dispute and the plea of alternative site can be decided by the 4th respondent.

6. In the light of the submissions of the learned counsels on either side, the petitioner is directed to give a fresh representation to the 4th respondent by enclosing a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the 4th respondent shall consider the same on merits and pass appropriate orders in accordance with law, within a period of twelve weeks therefrom, after providing an opportunity of hearing to the necessary parties.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

pvs

To

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Corporation of Chennai,
Chennai - 600 003.
4. The District Collector,
Chennai District,
Chennai.

+1cc to Mr.P.A.CHITHRAMANI, Advocate, S.R.No.22664
+1cc to Mr.C.RAVICHANDRAN, Advocate, S.R.No. 22754
+1cc to the Government Pleader, S.R.No. 23971

सत्यमेव जयते

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TR(11/04/2018)

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