

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.32297 of 2018

and

W.M.P.Nos.37535 & 37537 of 2018

G.Radhakrishnan

.. Petitioner

.vs.

1. The Secretary
Ministry of Revenue
Government of Tamil Nadu
Revenue Department
Fort St. George, Chennai - 600 009.
2. The Tahsildar,
O/o. Tahsildar Office
Thandairpet Taluk
Chennai - 600 081.
3. Additional Chief Secretary,
Commissioner of Land Administration
Ezhilagam, Chepauk, Chennai - 600 005.
4. The Principal Secretary,
Housing and Department of Urban Development
Fort St. George, Chennai - 600 009.
5. The Principal Secretary,
The Municipal Administration &
Water Supply Department
Fort St. George, Chennai - 600 009.
6. The Member Secretary,
Tamil Nadu Slum Clearance Board
Rajaji Salai, Triplicane
Chennai - 600 006.

7. The Collector,
Office of the Collectorate
Chennai City, Rajaji Salai
Chennai - 600 001.

8. The Commissioner,
Corporation of Chennai,
Rippon Building,
Park Town,
Chennai - 600 003.

9. Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Erwin Road
Egmore, Chennai - 600 008

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records in the impugned G.O.(MS) No.249, dated 04.08.2017 issued by the 1st respondent and quash the same and direct the 8th respondent Chennai Corporation to evict all the encroachers from the Burial Ground in Chennai Corporation Zone-V, Ward 53, Tondairpet Village, Block No.49, Survey No.1802 an extent of 19 Kaani, 13 grounds and 2356 sq.ft. at Moolakothalam, Chennai and Old Kathivakkam High Road and restore them to its original state within the time frame fixed by this Court.

For Petitioner : Mr.K.Seetha Ram

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c) -

For R1 to R5 & R7

Mr.S.Prabhu-for R6

Mr.K.Soundararajan - for R8

Mr.Karthik Rajan - for R9

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned G.O.(MS) No.249, dated 04.08.2017 issued by the 1st respondent, to quash the same and direct the 8th respondent to evict all the encroachers from the Burial Ground in Chennai Corporation Zone-V, Ward 53, Tondairpet Village,

Block No.49, Survey No.1802, measuring an extent of 19 Kaani, 13 grounds and 2356 sq.ft. at Moolakothalam, Chennai and Old Kathivakkam High Road and restore them to its original state.

2. The petitioner has filed the above Writ Petition as a Public Interest Litigation challenging the G.O.(MS) No.249, dated 04.08.2017.

3. In respect of the very same Government Order i.e., G.O.(MS) No.249, dated 04.08.2017, already a Public Interest Litigation in W.P.No. 17025 of 2018 was filed by one E.Palani and the Division Bench of this Court, by order dated 09.07.2018, dismissed the Writ Petition.

4. When the validity of the Government Order has been upheld in W.P.No. 17025 of 2018, the correctness of the very same Government Order cannot be decided in this Writ Petition. Therefore, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No Costs. Consequently, the connected miscellaneous petitions are closed.

Rj

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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2. The Tahsildar,
O/o. Tahsildar Office
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5. The Principal Secretary
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Rippon Building
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9. Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Erwin Road
Egmore, Chennai - 600 008

+1cc to Mr.K. Soundararajan, Advocate, S.R.No.89307

+1cc to Mr.S.Prabhu, Advocate, S.R.No.89622

W.P. No.32297 of 2018

and

W.M.P.Nos.37535 & 37537 of 2018

kak(09/01/2019)

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