



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.5558 of 2018

and

W.M.P(MD)No.5454 of 2018

C.Kannan

...Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Secretary,
Department of Revenue,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nanthanam,
Chennai - 600 035.
3. The District Collector,
Madurai District,
Madurai.
4. The Executive Engineer
and Administrative Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit,
Ellis Nagar,
Madurai - 625 016.
5. The Commissioner,
Madurai Corporation,
Madurai.

6.G.Jegadeeswari

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to pass an order to stop the construction of building by the 6th respondent in the Plot bearing No.L/488 in the Tamil Nadu Housing Board, Koodalpudur, Madurai - 17, by considering the petitioner's representation, dated 01.03.2018.



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For Petitioner	: Mr.S.Mohankumar
For R-1 & R-3	: Mr.C.M.Mari Chelliah Prabu, Additional Government Pleader
For R-2 & R-4	: Mr.N.Nagarajan, Standing Counsel for Housing Board
For R-5	: Mr.R.Prabu Ramachandran Standing Counsel for Madurai Corporation

O R D E R

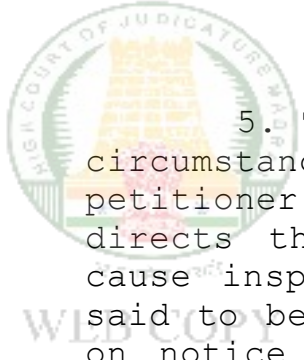
[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

By consent, the main Writ Petition itself is taken up for final disposal.

2. Mr.C.M.Marichelliah Prabu, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 3, Mr.N.Nagarajan, learned Standing Counsel for Housing Board accepts notice on behalf of the respondents 2 and 4 and Mr.R.Prabu Ramachandran, learned Standing Counsel for Madurai Corporation accepts notice on behalf of the fifth respondent.

3. The petitioner claims to be a resident of L2/291, Sector-VI, Koodal Pudur, Tamil Nadu Housing Board, Anaiyur Post, Madurai 625 017 and according to him, in Vilangudi, Silayaneri, Anaiyur and Thathaneri, Madurai Taluk and District, lands were acquired for developing a housing scheme and accordingly, in Sector No.6, 855 houses were constructed, out of which, 44 houses have not been sold and the site consisting of 59.65 acres of Patta land and 12.90 acres of Poramboke land. It is the specific case of the petitioner that as per LP/DTCP No.1097/91, approved plan, some portion of the land has been reserved for public purpose such as park and common pathway. The petitioner claims that a plot bearing No.L2/291 has been allotted in the name of his wife and he has also got a sale deed on 10.12.2007 and continue to remain in possession of the said property. The grievance expressed by the petitioner is that the sixth respondent, who is a Srilankan refugee, started putting up construction on the land reserved for public purpose and in this regard, he has submitted a representation dated 01.03.2018 to the fourth respondent and in spite of the receipt of an acknowledgement, no orders have been passed so far and hence, he came forward to file this writ petition.

4. Heard the submission of the learned counsel for the petitioner and the respective learned counsel appearing for the respondents.



5. This Court, taken into consideration the above facts and circumstances and without going into the claim projected by the petitioner either in his representation or in this writ petition, directs the fourth respondent and his subordinate officials to cause inspection of the vacant site opposite to Plot No.L2/291, said to be belonged to the wife of the petitioner, after putting on notice to the petitioner and the sixth respondent, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the survey / inspection, shall take appropriate action, in the event of any encroachment being found, in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the sixth respondent.

6. The Writ Petition stands disposed of accordingly. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of Revenue,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nanthanam,
Chennai - 600 035.
3. The District Collector,
Madurai District,
Madurai.

+1cc to The Spl. Government Pleader Sr.No.55943
+1cc to Mr.R.Prabu Ramachandran , Advocate Sr.No.55588
+1cc to Mr.K.Sivabalan, Advocate Sr.No.55747

AKV

VB/KK/SAR1/11.04.2018/3P/7C