

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10971 of 2016

Annai Indra Nalvazvu Kudisaivaz
Makkal Kuddiyiruppu Sangam,
By its President Mr.G.Damodharan,
No.103, Kuttiyappan Street,
Kilpauk,
Chennai-10. ... Petitioner

Vs.

1.The Special Commissioner and
Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.

2.The Secretary to Government,
Government of Tamilnadu,
Minister of Revenue,
St. George Fort,
Chennai - 9.

3.The District Collector,
Chennai-District,
Chennai - 1.

4.The District Collector,
Thiruvallur-District, सत्यमेव जयते
Thiruvallur.

5.The Tahsildar,
Avadi,
Thiruvallur District. .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the respondents herein to take immediate steps to
allot an alternative accommodation to petitioner association in
S.No.480, Morai Village, Old Kanniyammal Nagar, Veerapuram,
Avadi, Thiruvallur District and may be pleased to issue

direction to respondents to take immediate steps provide alternative housing site to eligible occupants of the petitioner association within stipulate period with the help of police.

For Petitioner : Mr.N.Chandrasekar

For Respondents: Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to take immediate steps to allot an alternative accommodation to the petitioner association in S.No.480, Morai Village, Old Kanniyammal Nagar, Veerapuram, Avadi, Thiruvallur District and to issue direction to the respondents to take immediate steps to provide an alternative housing site to eligible occupants of the petitioner association within stipulate period with the help of police.

2. The petitioner is a registered association under the Societies Registration Act with an objective of providing welfare benefits to Adi-Dravidar, who were registered as members of the association. It is stated that the members of the petitioner association are people living below the poverty and they were residing on the road side. From the year 1981 till 2007, 300 poor families were residing in the Government Poramboke land situated at Periya Kudal, Shenoy Nagar, Chennai-30, which include the members of the petitioner association by putting up huts. In that circumstances, the Tamilnadu Government had passed G.O.Ms.No.1450 dated 23.08.1984 and another G.O.Ms.No.854 dated 30.12.2006 stating that the people, who occupied Government Poramboke land more than 3 years, are eligible to obtain patta in the same locality. Thereafter, the petitioner association members sent several letters to the respondents, but the same were not considered.

3. The petitioner has filed W.P.No.11473 of 1989 before this Court and this Court had directed the respondents to issue patta for the eligible occupants. At this juncture, some strangers tried to misuse the petitioner's association name and filed several writ petitions without the knowledge of the petitioner and those writ petitions were dismissed as not maintainable. Further it is stated that in the year 2007, the Chennai Corporation authorities evicted the members of the petitioner association in the mid night. Thereafter, the secretary of the petitioner association had filed W.P.No.2243 of 2010 before this Court and this Court had directed the respondents to issue alternative accommodation. As per the Court order the

respondents identified the alternative place at S.No.3311, Mullai Nagar Village, Thirumullaivayil, but the same was not allotted, since S.No.3311 is a local burial ground. The petitioner has made several representations in this regard on 22.04.2012, 01.04.2013, 17.01.2014, 21.01.2015, 05.02.2015, 23.02.2015 and 10.04.2015. After several repeated representations, an alternative accommodation was identified at S.No.480, Morai Village, Old Kanniyammal Nagar, Veerapuram, Avadi, Thiruvallur District and a direction was given to the fifth respondent. Thereafter, no action has been taken by the respondents to provide alternative accommodation to the members of the petitioner association. Hence, the petitioner is before this Court.

4. Heard the learned counsel appearing on both sides.

5. Considering the facts and circumstances of the case and the submissions made on either side, the petitioner is directed to submit one more copy of the representation dated 10.04.2015 to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of copy of such representation, the fourth respondent is directed to consider the same after issuing notice to the petitioner as well as any of the interested parties in this regard and also affording them due opportunity of personal hearing and then pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of such representation. It is made clear that this Court is not expressing any opinion on the merits of the representation to be made by the petitioner.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Special Commissioner and
Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.

WEB COPY

2.The Secretary to Government,
Government of Tamilnadu,
Minister of Revenue,
St. George Fort, Chennai - 9.

3.The District Collector,
Chennai-District,
Chennai - 1.

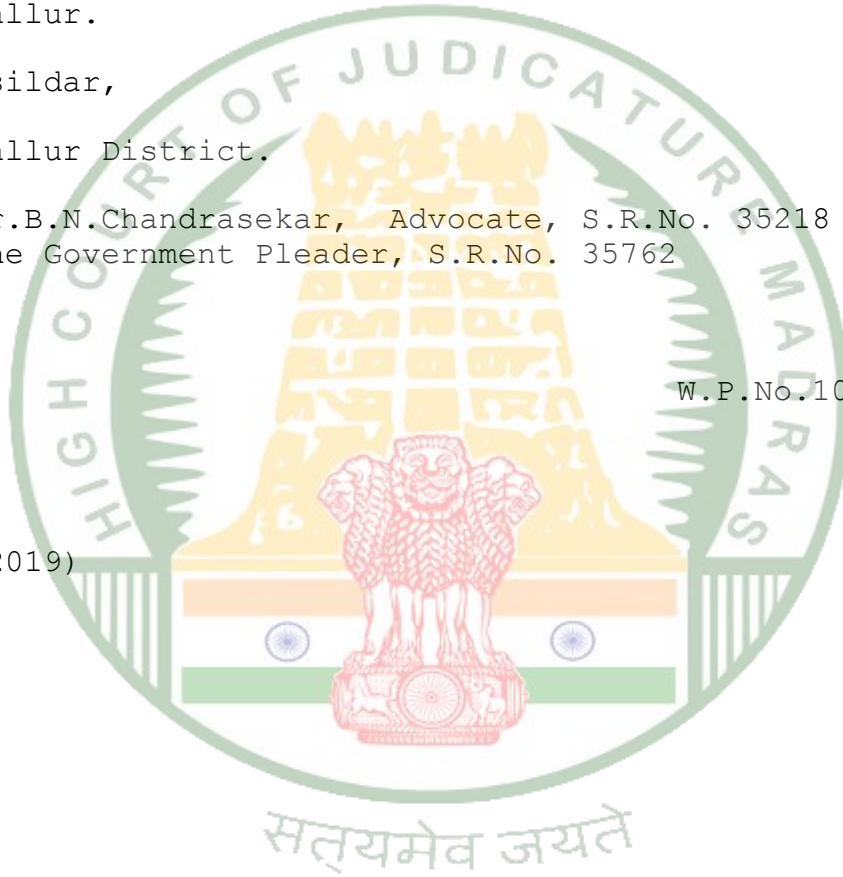
4.The District Collector,
Thiruvallur-District,
Thiruvallur.

5.The Tahsildar,
Avadi,
Thiruvallur District.

+1cc to Mr.B.N.Chandrasekar, Advocate, S.R.No. 35218
+1cc to the Government Pleader, S.R.No. 35762

W.P.No.10971 of 2016

RJI (CO)
GN(26/04/2019)



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