



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.21430 of 2004
and WP.MP.No.25897 of 2004

1. Nawabzada Khursheed Mohd. Khan
2. Nawabzada Rafiq Mohd. Khan ...Petitioners

Vs

The State of Tamil Nadu
Rep. The Secretary to Govt.,
Revenue Department,
Secretariat,
Chennai 9.

..Respondent

Prayer:-

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to allot 12 grounds of land in R.S.No.35/3 of Nungambakkam Village in lieu of 2/3rd non evacuee share of 54 grounds in S.No.36/3 etc. in Mackey's Garden Nungambakkam Village, Chennai or pay the guideline value of the 2/3 non evacuee share due to the petitioners within 4 weeks from the date of issue of order.

For Petitioners : Mr.V.S.Jagadeesan

For Respondent : Mr.D.Suriyanarayanan, AGP

ORDER

Heard the learned counsels appearing on either side and perused the materials available on record.

2. The petitioners have come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondents to allot 12 grounds of land in R.S.No.35/3 of Nungambakkam Village in lieu of 2/3rd non evacuee share of 54 grounds in S.No.36/3 etc. in Mackey's Garden Nungambakkam Village, Chennai or pay the guideline value of the 2/3 non evacuee share due to the petitioners within 4 weeks from the date of issue of order.

3. A detailed counter affidavit has been filed by the



respondent opposing the prayer sought for in this Writ Petition. It is to be noted that this Writ Petition has been filed on the basis of the judgment made in W.A.No.2617 of 2012 dated 30.04.2013. It is an admitted fact that the respondent has taken the matter before the Supreme Court and the same is pending in SLP (C).No.18875 of 2016.

4. Taking note of the above facts, I am of the considered opinion that the present Writ Petition is premature. In that view, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

The Secretary to Govt.,
The State of Tamil Nadu
Revenue Department,
Secretariat, Chennai 9.

+1cc to the Government Pleader, S.R.No.58566

W.P.No.21430 of 2004

MP (CO)
CS/12/09/2019