

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI, J.
W.P.Nos.16496 & 16497 of 2010
M.P.No.1 of 2010

Umashankar
Chandra Gajendran

...Petitioner in W.P.No.16496 of 2010
...Petitioner in W.P.No.16497 of 2010

vs

1. The District Collector
Thiruvallur District.

2. The Special Thasildar,
(Land Acquisition) Office
Aeromatic Complex
C.P.C.L., Saidapet
Chennai-600 015.

3. The Executive Officer,
Municipality-Grade III
Manali, Chennai-600 068.

4. The Chairman,
Chennai Petroleum Corporation Ltd(C.P.C.L)
Manali Chennai-600 068.

....Respondents

in both W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to call for the records relating to the order No.Na.Ka.93/97 dated 31.03.2010 issued by the second respondent and to quash the same and consequently direct the second respondent to include the name of the petitioner in the list of persons of Amullaivayal Village, Manali, Ambattur Circle, Thiruvallur District, eligible to get the re-allotment of house sites published by the 2nd respondent in his proceedings Na.Ka.No.117/9/A dated 16.02.2006 and direct the 3rd respondent to issue certificate of eligibility for re-allotment of house sites to the petitioner.

For Petitioner
in both W.Ps

: Mr.M.Gnana Sekar

For Respondents
in both W.Ps

: Mr.M.Elumalai,
Government Advocate

C O M M O N O R D E R

The petitioners have been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order No.Na.Ka.93/97 dated 31.03.2010 issued by the second respondent and to quash the same and consequently direct the second respondent to include the name of the petitioners in the list of persons of Amullaivayal Village, Manali, Ambattur Circle, Thiruvallur District, eligible to get the re-allotment of house sites published by the 2nd respondent in his proceedings Na.Ka.No.117/9/A dated 16.02.2006 and direct the 3rd respondent to issue certificate of eligibility for re-allotment of house sites to the petitioners.

2. The Petitioners are son and mother and the case of the petitioners is that they have been living in Survey No.28/8 in the residential house to extent of 5700 sq for more than 20 years. The deceased husband of the petitioner in W.P.No.16947 of 2010 and father of the petitioner in W.P.No.16946 of 2010 died on 07.11.2000, due to cancer. The house sites stands in the name of the petitioner's father. The petitioners have been regularly paying the house tax and possess voters card, issued by the Election Commission of India in the petitioner's proof of residence.

3. The petitioners have stated in the affidavit that the Government of Tamil Nadu had acquired lands from Amullaivayal and other adjacent Villages for the purpose of the Aromatic Complex for C.P.C.L. After completion of land acquisition, the second respondent issued an order dated 16.02.2006 publishing the list of eligible persons for getting re-allotment of house sites, in which, the petitioners name were not included.

4. The petitioners have submitted a representation dated 08.03.2007 to the 2nd respondent, requesting for allotment of alternative house sites. But the second respondent, by an order dated 31.03.2010, had rejected the petitioner's request, on the ground that the petitioners have not possessed ration card to support the fact that the petitioners have residing in the above address. Challenging the rejection order, the present writ petitions are filed.

5. The learned counsel for the petitioners would submit that the petitioners have produced enough evidence/materials and documents to show that the petitioners are residing in the above mentioned address. Therefore, the second respondent ought to have included the petitioners name in the list of beneficiaries published by him on 16.02.2006. The non-inclusion of the petitioners name in the list is an arbitrary and illegal one. According to the petitioners, they have submitted an application

for issuance of ration card on 27.06.2005, however, the petitioners are yet to be received the Ration Card.

6. The learned counsel for the respondent would submit that the impugned order dated 31.03.2010, issued by the second respondent, is merely consequent to the publication of the provisional list and finalization of the beneficiaries pursuant to enumeration and adequate opportunity being provided for raising claims/objections, if any, and records that there is no family card evidencing the proof of residence of the petitioners at the time of enumeration in 2004.

7. In view of the above, admittedly the fact that the persons who have occupied the premises have produced the proof of ration card or any other materials before the authority, then, the authorities have verified the proof and provide alternative house sites. But, in this case, the petitioners have not produced any residential proof before the authority to enable them to provide alternative house sites.

8. Hence, this Court is not inclined to interfere with the order passed by the second respondent. Accordingly, the writ petitions stand dismissed. However, liberty may be granted to the petitioners, if they have secured the ration card from the competent authority and that may be produced to the second respondent, the second respondent is directed to pass an appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

ssb

To

1. The District Collector
Thiruvallur District.
2. The Special Thasildar,
(Land Acquisition) Office
Aeromatic Complex
C.P.C.L., Saidapet
Chennai-600 015.

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3. The Executive Officer,
Municipality-Grade III
Manali, Chennai-600 068.

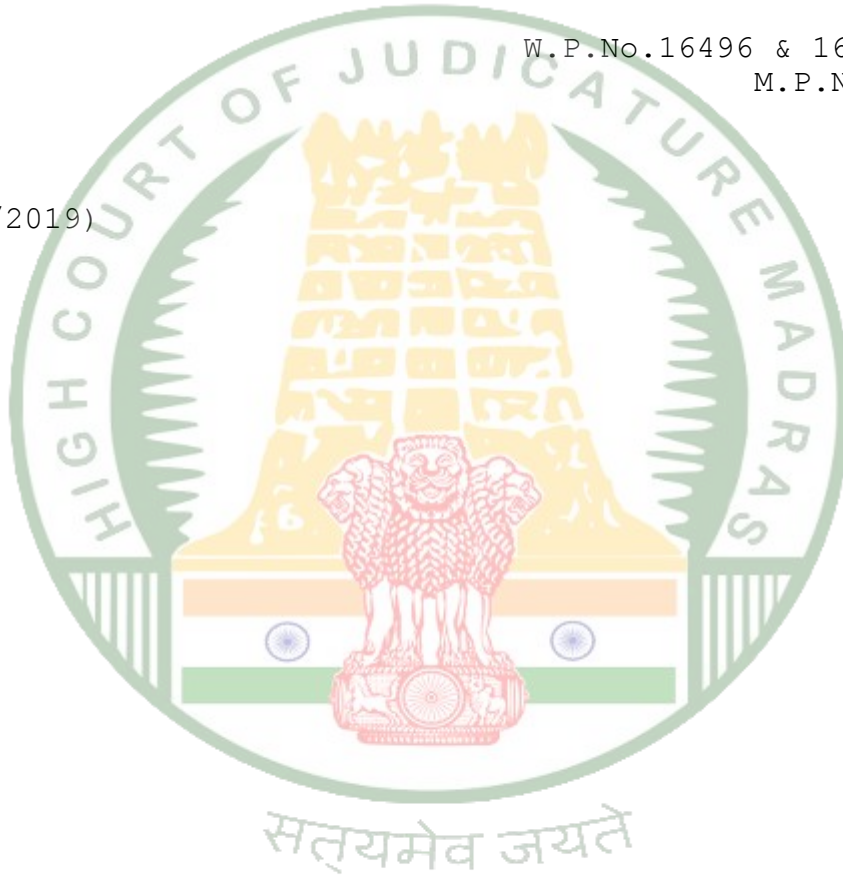
4. The Chairman,
Chennai Petroleum Corporation Ltd(C.P.C.L)
Manali Chennai-600 068.

+1cc to Mr.S.Arjun Suresh, Advocate SR.No.62835

+1cc to Government Pleader SR.No.63377

W.P.No.16496 & 16497 of 2010
M.P.No.1 of 2010

SPD(CO)
GMY(20/08/2019)



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