

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.10939 of 2018

S.Parthiban

.. Petitioner

Vs.

- 1 The Managing Director
Tamil Nadu Industries Development
Corporation Ltd. (SIDCO)
SIDCO Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.
- 2 The General Manager
Tamil Nadu Industries Development
Corporation Ltd. (SIDCO)
SIDCO Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.
- 3 The Superintending Engineer
Tamil Nadu Industries Development
Corporation Ltd. (SIDCO)
SIDCO Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.
- 4 The Deputy General Manager (Scheme)
Tamil Nadu Industries Development
Corporation Ltd. (SIDCO)
SIDCO Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.
- 5 The Manager (Administration & Land)
Tamil Nadu Industries Development
Corporation Ltd. (SIDCO)
SIDCO Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.

6 MA.Subramanian
7 Kanchana

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 5 to take appropriate action to remove the encroachment in the House Tenement No.4, Labour Colony, Guindy, Chennai - 600 032, which was made by respondents 6 and 7 and recover the same from them by taking appropriate action against respondents 6 and 7 for grabbing the Public Land i.e. land belongs to Tamil Nadu Small Industries Development Corporation Ltd., within a stipulated time.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c.)
for respondents 1 to 5

Mr.P.Wilson
Senior Counsel
for M/s.Wilson Associates
for respondents 6 and 7

ORDER

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

The above writ petition has been filed by the petitioner to issue a writ of mandamus directing respondents 1 to 5 to take appropriate action to remove the encroachment in the House Tenement No.4, Labour Colony, Guindy, Chennai - 600 032, which was made by respondents 6 and 7 and recover the same from them by taking appropriate action against respondents 6 and 7 for grabbing the public land i.e. land belongs to Tamil Nadu Small Industries Development Corporation Ltd., within a stipulated time.

2. It is the case of the petitioner that the property in House Tenement No.4, Labour Colony, Guindy, Chennai, stands in the name of the seventh respondent, who is the wife of the sixth respondent, by way of Lease-cum-Sale Agreement with the SIDCO and that on enquiry, he came to know that the above said property was allotted to one S.K.Kannan, son of Sundaramurthy by the Industries and Commerce Department on 14.2.1959.

3. It is stated that on 16.6.2016, the petitioner made an application to the SIDCO under the Right to Information Act seeking certain information in respect of House Tenement Nos.3 and 4, Labour Colony, Guindy, Chennai. According to the petitioner, as per the information given by SIDCO in the letter dated 28.6.2016, he came to know that respondents 6 and 7 have grabbed the government property. Thereafter, the petitioner gave a representation dated 5.1.2018 to the second respondent seeking for recovery of the property from respondents 6 and 7 by removing the encroachment. Thereafter, on 12.4.2018 also the petitioner gave a representation to respondents 1 to 5 for removing the encroachment.

4. Respondents 6 and 7 filed their counter affidavit stating that the writ petition filed by the petitioner is politically motivated and that in respect of House Tenement Nos.3 and 4, Labour Colony, Guindy, Chennai, the SIDCO itself has sent a letter dated 26.12.2017 to regularize the occupancy.

5. The present writ petition has been filed by the petitioner only in respect of House Tenement No.4, Labour Colony, Guindy, Chennai. From the materials available on record, it is evident that the SIDCO has written letters only to the seventh respondent in respect of House Tenement Nos.3 and 4, Labour Colony, Guindy, Chennai, to regularize the occupancy. There is nothing on record to show that the sixth respondent has received any communication from the SIDCO.

6. The learned Government Pleader (i/c.) appearing for respondents 1 to 5 submitted that the respondents would consider the petitioner's representation dated 12.4.2018 and pass appropriate orders in accordance with law after giving due opportunity of hearing to all the interested parties.

7. Recording the above submission made by the learned Government Pleader (i/c.), we direct the respondent authorities to consider the representation dated 12.4.2018 given by the petitioner and pass appropriate orders in accordance with law, after giving due opportunity of hearing to all concerned.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

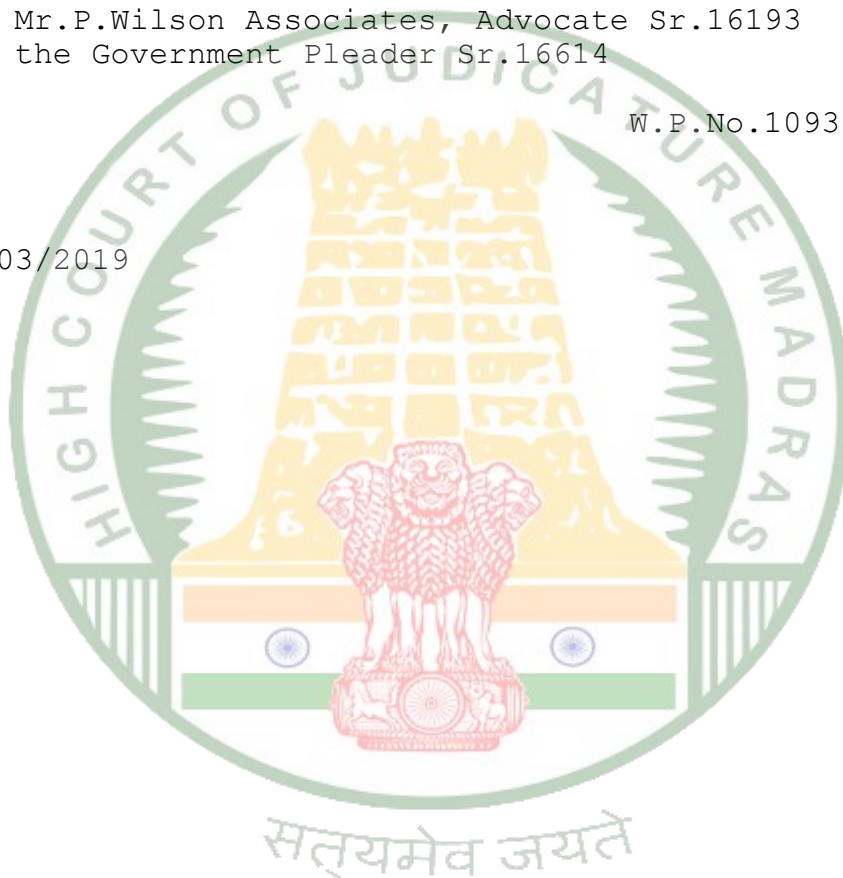
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+1cc to Mr.A.Ilayaperumal, Advocate Sr.16138
+1cc to Mr.P.Wilson Associates, Advocate Sr.16193
+1cc to the Government Pleader Sr.16614

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srg 15/03/2019



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