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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12744 of 2019

and

W.M.P.(MD)No.9487 of 2019

Muthulakshmi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai 600 035.

2.The Superintending Engineer,
Madurai Circle,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai 625 016.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Formation of Satellite Town Scheme in Uchapatti,
Uchapatti,
Thirumangalam Taluk,
Madurai District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from initiate any action to dispose the petitioner land property situated in Survey No.82/5, 82/5A, 82/5C, Uchapatti Village, Thirumangalam Taluk, Madurai District except by due process of law.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.R.Janarthanan

ORDER

The prayer in the Writ petition is for a Writ of Mandamus, forbearing the respondents 1 to 3 from initiating any action to dispossesses the petitioner from the land in Survey Nos.82/5, 82/5A and 82/5C at Uchapatti Village, Thirumangalam Taluk, Madurai District except by following the due process of law.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.R.Janarthanan, learned standing counsel for the respondents.



3.The grievance of the petitioner is that he is having land at Survey Nos.82/5, 82/5A and 82/5C at Uchapatti Village, Thirumangalam Taluk, Madurai District, where he has already established a unit and he is running the same. He is the absolute owner of the property in the said survey numbers.

4.The respondents / Housing Board in the guise of the land acquisition for their official purpose, trying to evict the petitioner from these lands, without any notice, without any acquisition and without any valid reason and therefore, the petitioner is before this Court with the aforesaid prayer.

5.I have heard the learned standing counsel appearing for the respondents / Housing Board, who on instructions, would submit that, the respondent / Housing Board has not acquired the lands belong to the petitioner especially in Survey Nos.82/5, 82/5A and 82/5C. Instead, he would submit that, the Housing Board has acquired only the land at Survey No.82/5I,5J and 5K which lands no way connected to the petitioner and moreover, the petitioner has not claimed any land in the said three survey numbers ie., 82/5I, 5J and 5K.

6.The learned standing counsel would further submit that, insofar as the petitioner's land in the three Survey numbers ie, 82/5, 82/5A and 82/5C are concerned, the respondents / Housing Board do not have any right over the said property and they will not touch upon the same.

7.However, the learned counsel appearing for the petitioner would submit that in the guise of the said three survey numbers, ie., Nos.82/5I, 82/5J and 82/5K, the respondents may encroach upon the petitioner's property. But apprehension on the part of the petitioner is denied by the learned standing counsel appearing for the respondents.

8.I have heard the learned counsel appearing for both sides.

9.Since the learned standing counsel appearing for the respondents / Housing Board, on instruction, has made a categorical statement before this Court that, the respondents / Housing Board have not acquired the lands belong to the petitioner mentioned Survey numbers ie., Nos.82/5, 82/5A and 82/5C and they will not touch the same, the said statement is hereby recorded. In view of the said stand taken by the respondents, the apprehension of the petitioner has been cleared now and therefore, the petitioner cannot have any further grievance over the issue raised in this Writ petition.

10.In view of the above, this Writ petition is disposed by recording the said statement made by the learned standing counsel appearing for the respondents / Housing Board.



No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(CO)

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// True Copy //

Sub Assistant Registrar(CS)

nbj

To

- 1.The Managing Director,
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- 2.The Superintending Engineer,
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Tamil Nadu Housing Board,
Ellis Nagar,
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- 3.The Executive Engineer,
Tamil Nadu Housing Board,
Formation of Satellite Town Scheme in Uchapatti,
Uchapatti,
Thirumangalam Taluk,
Madurai District.

+1CC TO MR.R.KARUNANIDHI, Advocate Sr. No.72604

+1CC TO MR.R.JANARTHANAN, Advocate Sr. No.72597

W.P. (MD) No.12744 of 2019
01.07.2019

KM(CO)

TR (05.08.2019) 3P 6C