

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.593 of 2020

J.Selvi
W/o.K.Jayachandran

...Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by Secretary, Revenue Department
Fort St.George,
Chennai-600 009.

2.The District Collector
Thiruvallur District
Thiruvallur.

3.The Tahsildar
Poonamallee Taluk
Thiruvallur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to provide and allot alternate residence to the petitioner in terms of evacuation of the petitioner's family from their property situated at F/104, Nedunchezhiyan Street, Porur.

For Petitioner : Ms.Kanimozhi Mathi

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The petitioner seeks for a mandamus directing the respondents to provide and allot alternate residence to the petitioner in terms of evacuation of the petitioner's family from their property situated at F/104, Nedunchezhiyan Street, Porur.

2. The case of the petitioner, in short, is as follows:
The petitioner was residing in a property comprised in

Survey No.370, Porur Village, Ambattur Taluk, Chennai, measuring an extent about 1200 sq.ft., bearing Door No.F/104, Nedunchezhiyan Street, Porur. In the year 2006, the residents in the above mentioned area were informed by the respondents that the said property is a part of Porur Tank and therefore, the residents will be removed and evacuated, however, by providing alternate residence. At the time of evacuation, the petitioner's husband was issued with a identity card for the purpose of allotting alternate land. Based on such assurance, the petitioner shifted her residence from the above said property. Thereafter, the respondents did not provide alternate site as promised by them. When the petitioner made a representation seeking for providing such alternative accommodation, the same was not considered by informing that some connected writ petitions in W.P.No.705 of 2017 etc., were pending before this Court.

3. It is stated by the learned counsel for the petitioner that those writ petitions were disposed of on 14.03.2018. It is further stated by the learned counsel that without even knowing the disposal of these cases, the third respondent has refused to consider the claim of the petitioner for providing alternative accommodation.

4. Perusal of the proceedings issued by the third respondent dated 26.06.2019 indicates that the petitioner's request for providing alternative accommodation was not considered and kept pending only because of the pendency of the writ petitions in W.P.No.705 of 2017 etc., before this Court. However, the fact remains that the said writ petitions were disposed of on 14.03.2018 itself. Therefore, it is for the respondents to consider the claim of the petitioner and pass appropriate orders also by taking note of the order dated 14.03.2018 passed in W.P.Nos.705 of 2017 etc., Accordingly, this Writ Petition is disposed of, only by directing the respondents, more particularly, the second and third respondents to consider the claim of the petitioner and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The Secretary,Revenue Department
Fort St.George,
Chennai-600 009.

2.The District Collector
Thiruvallur District
Thiruvallur.

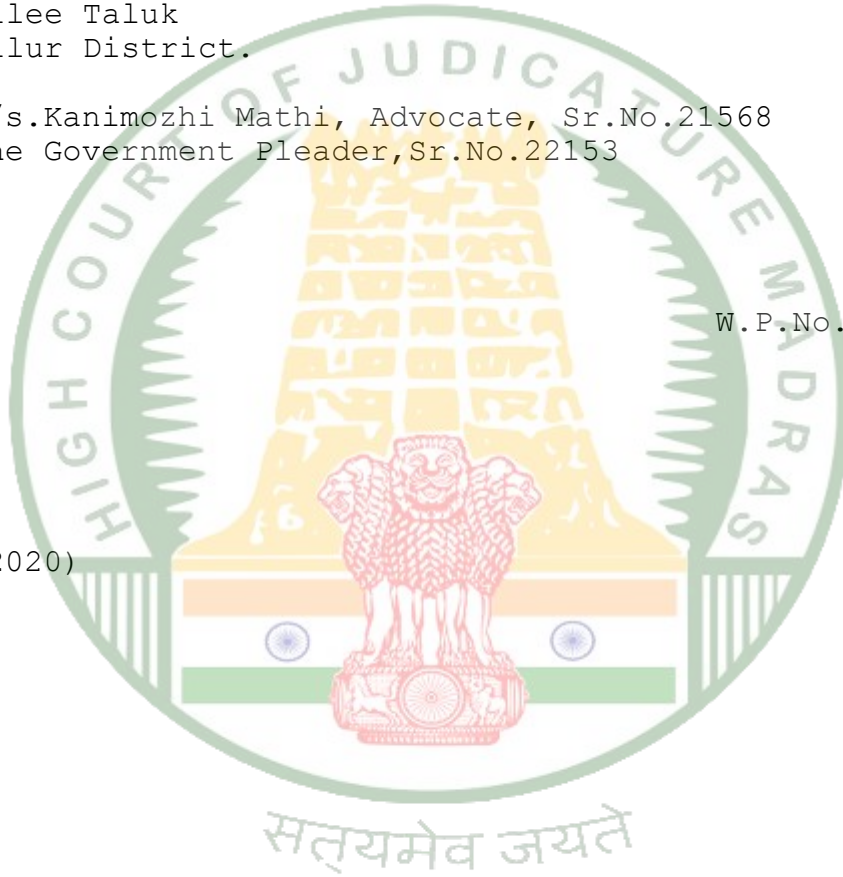
3.The Tahsildar
Poonamallee Taluk
Thiruvallur District.

+1cc to M/s.Kanimozhi Mathi, Advocate, Sr.No.21568

+1cc to the Government Pleader,Sr.No.22153

W.P.No.593 of 2020

VP (CO)
GS (28/05/2020)



WEB COPY