

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.6631 of 2012
and M.P.No.1 of 2012

1.A.Dhayalan
2.S.Gopi
3.N.Senthilkumar
4.A.Gopalakrishnan
5.M.Muralikumar
6.R.PrabhuPetitioners

Vs.

1. The Commissioner,
Salem City Municipal Corporation,
Salem District.
2. The Government of Tamil Nadu
rep by the Secretary to Government,
Revenue Administration,
Fort St.George,
Madras - 9.
3. The District Collector,
Salem.Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to assign the lands in favour of the petitioners in T.S.No.83 and 109, Salem Division and District, as per the recommendation made by the 1st respondent.

For Petitioners : Mr.Avinash Wadwani
for Mr.V.Raghavachari

For Respondents : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to assign the lands in favour of the petitioners in T.S.No.83 and 109, Salem Division and District, as per the recommendation made by the 1st respondent.

2.It is the case of the petitioners that the 1st respondent passed a resolution in Resolution No.819 dated 18.07.1979 for granting Sale Deed in respect of the dwelling portion occupied by the employees of the Salem Municipality. The said resolution was forwarded to the 2nd respondent for approval. Since the Sale Deed was not executed in favour of the petitioners, they have filed the present Writ Petition.

3.The 1st respondent filed a counter wherein it has been stated that the employees of the 1st respondent Municipal Corporation should vacate the quarters after attaining the age of superannuation and the vacated quarters will be occupied by the newly appointed sanitary workers. The Corporation is providing free rent quarters with water supply and other amenities to the sanitary workers. Further, in the counter, the 1st respondent has stated that the Resolution dated 18.07.1979 to fulfill the demands of the petitioners after getting necessary approval from the Government, has not been approved by the Government and therefore, the prayer sought for in the Writ Petition cannot be granted to the petitioners.

4.Merely because the petitioners are in possession for a long time in respect of the quarters, they cannot claim any right or title over the property. The quarters allotted to them are attached to their employment. In such case, the petitioners, who are in occupation of the quarters, should vacate and hand over vacant possession on attaining the age of superannuation. In such view of the matter, I am not inclined to grant the relief sought for in the Writ Petition. The Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Salem City Municipal Corporation,
Salem District.

2. The Secretary to Government,
Government of Tamil Nadu
Revenue Administration,
Fort St.George,
Madras - 9.

3.The District Collector,
Salem.

+1cc to Mr.V.Raghavachari, Advocate in SR.28908
+1cc to the Government Pleader in SR.29012

W.P.No.6631 of 2012
and M.P.No.1 of 2012

SVI (CO)
RV (18/09/2020)



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