

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.14744 of 2020
and W.M.P.No.18324 of 2020

Kaladevi

... Petitioner

Versus

1.The District Collector,
Chengalpattu District.

2.Director,
Town and Country Planning,
Chengalvarayan Building, Fourth Floor,
No.807, Anna Salai, Chennai-2.

3.Director of Higher Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai 6.

4.Hon'ble Vice Chancellor,
Anna University,
Kotturpuram, Chennai.

5.Hon'ble Vice Chancellor,
Madras University,
Navalar Nagar, Chepauk,
Triplicane, Chennai.

6.The Chairman,
All India Council for Technical Education (AICTE)
Southern Regional Office, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai 600 006.

7.Shree Motilala Kanhaiyalal Fomra
College of Engineering,
Rajiv Gandhi Salai,
Thaiyur Village, Thiruporur Taluk,
Chengalpattu District.

.. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the Respondents to consider Petitioners representation dated 5.9.2020 consequently direct the respondents 1 to 6 to take necessary action against the 7th respondent remove the encroachment and prevent further construction of college buildings in the Government lands.

For Petitioner : Mr.S.N.Subramani

For Respondents : Ms.R.J.Radhika
Government Advocate
for R1 to R3

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner is a resident of Door No.5, Periyar Salai, T.Nagar, Jafferkanpet, Chennai 600 083 and claims that she and her mother-in-law are the owners of the landed property comprised in S.F.No.1134/1-2, 1128 & 1103 in Thaiyur Village admeasuring an extent of 2 Acres and 57 cents and they had purchased the property through registered Sale Deed bearing Document Nos. 9751 and 9752/2011 dated 12.10.2011 on the file of the Sub Registrar Office, Tiruporur. The petitioner would state that the said lands are agricultural Nanja lands and in order to have access to the said lands, they were using the common pathway for the past 30 years. All of a sudden, the 7th respondent had purchased the land in and around the petitioner's land and started putting up a compound wall and thereby prevented / denied her access to her agricultural property. The petitioner in this regard has submitted a representation dated 05.09.2020 to the respondents 1 to 6 and

despite receipt and acknowledgment, no response is forthcoming and therefore came forward to file this Writ Petition.

2. When the Writ Petition was listed for admission on 14.10.2020, this Court has indicated that remedies are open to the petitioner to invoke the common law remedy and under the provisions of the Right to Information Act to know about the fate of his representation and accordingly, adjourned the matter to 03.11.2020 (today).

3. Heard the submission of the learned counsel appearing for the petitioner and also perused the materials.

4. Ms.J.Radhika, learned Government Advocate appearing for the official respondents 2 and 3 would submit that the petitioner who had submitted the representation, did not enclose any materials to substantiate her claim and it also *prima facie* appears that the 7th respondent has put up construction in their own lands.

5. In the considered opinion of this Court, the remedy, if any open to the petitioner, is to avail common law remedy or to invoke the provisions of the Right to Information Act to know about the fate of his representation dated 05.09.2020 and as such, this Court is not in a position to pass any positive order in her favour.

6. In the result, the Writ Petition is **dismissed** and if the petitioner is so advised and if it is available to her under law, she is always at liberty to avail the common law remedy and also the provisions of Right to Information Act to know about the fate of his representation dated 05.09.2020. No costs. Consequently connected miscellaneous petition is closed.

[M.S.N.,J] [R.H.,J]
03.11.2020

sk

Internet : Yes/No
Index : Yes/No

WEB COPY

M.SATHYANARAYANAN, J.,
AND
R.HEMALATHA, J.
sk

To

1.The District Collector,
Chengalpattu District.

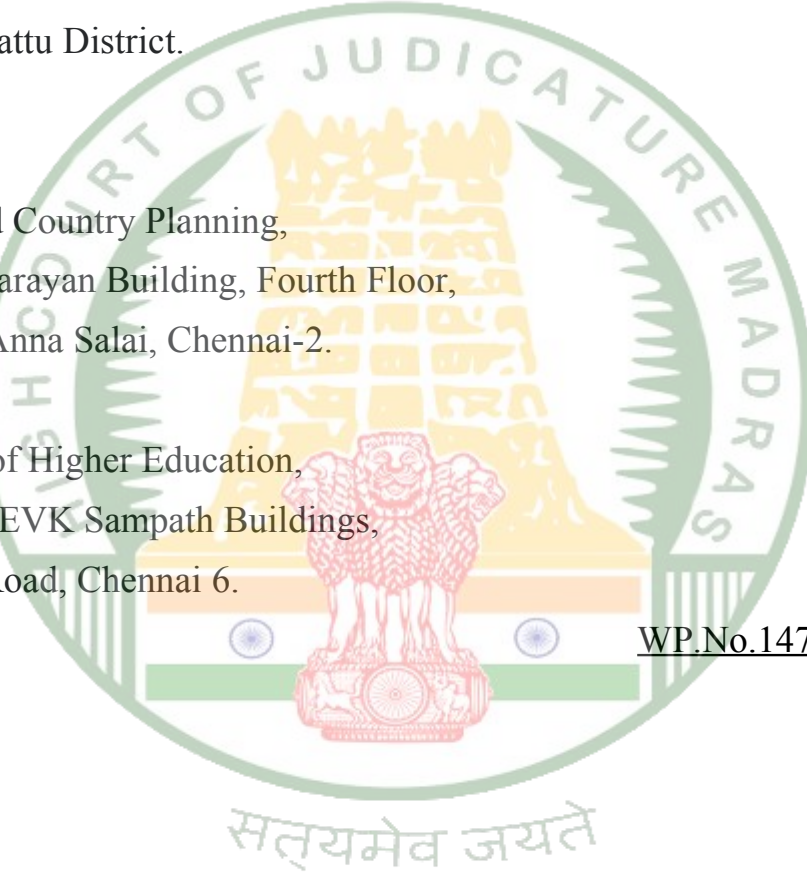
2.Director,

Town and Country Planning,
Chengalvarayan Building, Fourth Floor,
No.807, Anna Salai, Chennai-2.

3.Director of Higher Education,

9th Floor, EVK Sampath Buildings,
College Road, Chennai 6.

WP.No.14744 of 2020



WEB COPY

03.11.2020