

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.17571 of 2018

Mrs.Geetha

.. Petitioner

..Vs..

1. The Manager,
Thiruvaduthurai Aadheenam,
Thiruvaduthurai 609 803.
2. The Joint Commissioner,
HR & CE, Thiruvaduthurai Aadheenam,
Nagapattinam District.
3. Kanchana
4. M.Venkatesan
5. M.Ilayaraja
6. M.Siva

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1 & 2 respondents to consider the petitioner's representation dated 20.06.2018.

For Petitioner : Mr.Rajendra Kumar
for M/s.S.dhanalakshmi

For Respondents : Mr.Aswony Ajay Kumar
for M/s.Ojas Law Firm for R1

Mr.M.Karthikeyan
Special Government Pleader for R2

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O R D E R

The Writ Petition has been filed by the petitioner Mrs.Geetha in the nature of Mandamus seeking a direction against the respondents to consider her representation dated 20.06.2018.

2. In the affidavit filed in support of the writ petition, the petitioner had claimed that she is a handicapped person and was married about 20 years back. Her father Raji Gounder had died on 10.05.2016. He was working in Metropolitan Transport Corporation and had retired from service. After his death, her mother benefited from the family pension. It is also stated that on 19.10.1992, her father had obtained a no objection certificate from the first and second respondents, viz. the Manager, Thiruvaduthurai Aadheenam and the Joint Commissioner, HR&CE, Thiruvaduthurai Aadheenam at Nagappattinam District, to put up a thatched house in a land measuring about 0.03 cents in SF.No.147/1. The petitioner is residing in the said land which now has address, No.9/14, Gandhi first Street, Arumbakkam, Chennai 600 106. The petitioner, subsequent to her marriage constructed a house in the said land. After the death of her father, the petitioner had been giving representations to the first and second respondents to include her name as a lessee of the said land. Since no action has been taken, the petitioner has filed the present Writ Petition seeking a Mandamus to consider the representation dated 20.06.2018.

3. Heard the Mr.Rajendra Kumar, learned counsel appearing for M/s.S.Dhanalakshmi, for the petitioner and the Mr.Aswony Ajay Kumar, learned counsels appearing for the first respondent and Mr.M.Karthikeyan, learned Special Government Pleader (HR & CE) for the second respondent.

4. The learned counsel appearing for the first respondent stated that the tenancy agreement with the father of the petitioner had expired on 30.06.2013. Thereafter, neither the petitioner nor any other legal heir can claim ownership of the said premises. It is also stated that the first respondent is taking steps to evict the tenants who are occupying the premises without paying rent from 2014 till date.

5. This Court cannot examine whether the petitioner is a tenant/lessee or can claim rights through her father. The petitioner will have to independently assert such rights. Insofar as, the present Writ Petition is concerned, I would rather confine it to the narrow ground of considering the representation which has been given to the respondents. The representation is dated 20.06.2018. However, the learned counsel for the first respondent stated that they do not have a copy of the said representation.

6. In such circumstances, the petitioner is directed to give a fresh copy of the said representation to the first respondent on or before 21.02.2020. On receipt of such representation, the first respondent, viz., the Manager, Thiruvaduthurai Aadheenam at Thiruvaduthurai, Nagapattinam District 609 803, is directed to issue notice to the petitioner/any other interested person, to consider the representation, examine the documents if any submitted and thereafter, pass an order with reasons on or before 31.03.2020.

7. With the above observation, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

To

1. The Manager,
Thiruvaduthurai Aadheenam,
Thiruvaduthurai 609 803.
2. The Join Commissioner,
HR & CE, Thiruvaduthurai Aadheenam,
Nagapattinam District.

+lcc to Mr.K.p.Ssanjeev Kumar, Advocate, SR.No.9966.

NRL (CO)
CSR: 19.02.2020

सत्यमेव जयते

W.P.No.17571 of 2018

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