

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.20692 of 2019
and
W.M.P.No.19856 of 2019

M/s.Annai Solid Blocks
Represented by its Proprietrix
F.Anitha Mary

.. Petitioner

...Vs...

1.The District Collector
Thiruvallur District.

2.The Assistant Director [Panchayat]
Thiruvallur District.

3.The Tahsildhar
Thiruvallur Taluk and District.

4.The Block Development Officer
Kadambattur Block
Thiruvallur District.

5.R.Steve Wilfred

.. Respondents

R5 impleaded as 5th respondent as
per order dated 05.09.2019 in
W.M.P.No.21120 of 2019

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 18.02.2019 and afford the petitioner an opportunity of hearing along with the documents for running of the firm without any interference by the respondents and consider the same.

For Petitioner : Mr.R.Ramesh
For RR1 to 3 : Mr.R.Govindasamy,
Special Government Pleader
For R4 : Mr.M.Karthikeyan,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Writ of Mandamus, seeking a direction against the 1st respondent, the District Collector, Thiruvallur District, to pass an order in the representation of the petitioner dated 18.02.2019.

2. The petitioner, M/s.Annai Solid Blocks is represented in these proceedings by its proprietrix F.Anitha Mary. It is the contention of the learned counsel for the petitioner that they are engaged in the business of manufacturing of Hollow Bricks and Paver Stones at Keelacheri Village, Kadambathur Block, Thiruvallur District in land measuring 0.40.0 ares in S.No.231/1 and 231/2. It is the contention of the petitioner that they had been given with the necessary certificates of Registration by the Government of Tamilnadu, Commercial Tax Department, Tamil Nadu, Value Added Tax and TIN No.33216331360. It is also stated that the Fire and Rescue Service Department had also given No Objection Certificate. It is stated that the 5th respondent who had been subsequently impleaded by order of this Court dated 05.09.2019 had originally filed W.P.No.34148 of 2018 for a Mandamus, to consider his representation dated 28.11.2018, in which he had stated that the present petitioner was conducting business in Government Poromboke land and consequently, should be prevented from continuing with the said business.

3. The grievance of the present petitioner is that a mandamus was issued in the said writ petition, but the present petitioner was not a party to the proceedings. It is stated that the Taluk Development Officer had issued an order to the petitioner that they would initiate action if No Objection Certificate as required was not produced.

4. Today, the learned Special Government Pleader had produced an order of the District Collector dated 23.02.2019 which had been passed pursuant to the directions of this Court in W.P.No.34148 of 2018 dated 21.12.2018. It is the contention of the learned Special Government Pleader that the petitioner is conducting his business in his patta land and has also encroached the Government Poromboke. It is stated that the District Collector had passed necessary orders to the officials

to ensure that the petitioner is evicted from the possession of the poromboke land and also to ensure that the petitioner does not continue with their business without proper certificates.

5. The learned counsel for the 5th respondent had also relied on the orders of the District Collector dated 06.03.2019, wherein, the District Collector, Thiruvallur had very categorically stated that the petitioner is in occupation of Government poromboke land and was continuing business in the said poromboke land and therefore, directions had been issued to the Thasildar to initiate action under Sections 159 and 160 of the Tamil Nadu Municipalities Act, 1994 and take necessary action as against the petitioner. It is also stated that a further direction was also issued on 25.06.2019 stating that the Authorities were not taken action in respect of the specific directions issued. It is the grievance of the learned counsel for the petitioner that the 4th and 5th respondents namely, the Block Development Officer, Kadambattur Block, Thiruvallur District, is not complying with the directions both of this Court and the direction of the District Collector.

6. At any rate, these matters can be addressed only by the District Collector. A mandamus is therefore issued to the District Collector, Thiruvallur, to examine the representation of the petitioner dated 18.02.2019 and issue notices to the petitioner, M/s. Annai Solid Blocks represented by its Proprietrix F. Anitha Mary W/o. Phlix Babu and also to the 5th respondent R. Steve Wilfred S/o. R. Robert Joseph, invite both the parties to produce necessary and relevant documents to support their rival contentions and afford them opportunities to also submit written submissions and give a fair hearing to both the parties and finally pass a considered order with reasons, with respect to the continuance or otherwise of the business of the petitioner in the disputed lands and also give a finding whether the petitioner has been finally evicted from the Government Poromboke land as directed earlier by the very same official in the orders referred above. This exercise by the District Collector should be completed on or before 31.03.2020.

7. With these observations, the Writ Petition stands disposed of. No orders as to cost. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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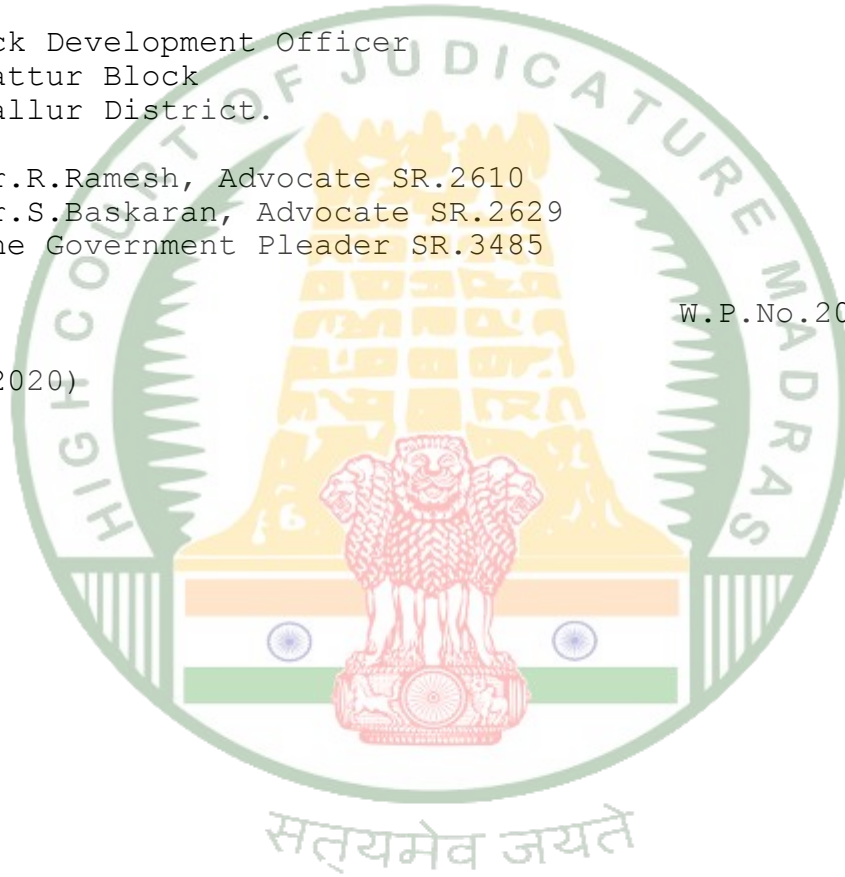
To,

- 1.The District Collector
Thiruvallur District.
- 2.The Assistant Director [Panchayat]
Thiruvallur District.
- 3.The Tahsildhar
Thiruvallur Taluk and District.
- 4.The Block Development Officer
Kadambattur Block
Thiruvallur District.

+1cc to Mr.R.Ramesh, Advocate SR.2610
+2cc to Mr.S.Baskaran, Advocate SR.2629
+1cc to the Government Pleader SR.3485

W.P.No.20692 of 2019

RSI (CO)
CB(06/02/2020)



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