

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.29812 of 2018
and
W.P.No.34792 of 2018

R.Muthusamy

.. Petitioner

..Vs..

1.The Chairman,
Tamilnadu Slum Clearance Board,
Chepauk,
Chennai-600 005.

2.The District Collector,
Perambalur District,
Perambalur.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to allot a different place to the first respondent for the construction of 504 apartments for the landless poor people than the one allotted by the first respondent near the petitioner's M/s.R.M.K.BLUE METALS Quarry in Kaulpalayam Village, Duraimangalam Madura, Perambalur Taluk and District.

For Petitioner : Mr.A.R.Suresh

For Respondents : ***Mr.S.Prabhu for R1**
Mr.R.Govindasamy
Special Government Pleader

WEB COPY
O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the second respondent/District Collector, Perambalur District, to allot a different place to the first respondent/The Chairman, Tamilnadu Slum Clearance Board, for the construction of 504 apartments for the landless poor people.

2.The petitioner has identified land for construction of 504 apartments for the landless poor people.

3.Heard, the learned counsel for the petitioner and the learned counsel for the respondents.

4.The petitioner had also accepted to take an alternate site.

5.On 10.01.2020, this Court passed the following order:-

"It is stated that the petitioner has been offered an alternate site to continue his Blue Metal Quarrying Work. The learned counsel for the petitioner may give the details of the alternate site including the description of the land and other details so that final orders can be passed."

6. In the affidavit filed in support of the writ petition, the relevant paragraphs are extracted hereunder:-

I further submitted that, after filing of the above writ petition, the first respondent filed counter and no counter has been filed by the Revenue Department. However, the Tahsildar Perambalur Taluk issued a notice to me to appear in person, Accordingly I appeared and explained the situation. Hence he suggested to allot alternate site containing sufficient raw material for the effective conducting and continuing of the BLUE METAL QUARRY with almost similar extent of above 3.5 Acres of Government Poramboke land in the same village but in a different place without affecting anyone's interest in Survey No.328/2. The said land was also shown to me, and i fully agree with the suggestion made by the Tahsildar, Perambalur Taluk, as the land in Survey No.328/2 is of the same in nature as that of my Patta lands referred to above.

In this circumstances, it is therefore most respectfully prayed that his Hon'ble Court may be pleased to record the above statement and thereby direct the second respondent or his Subordinate and Servants to allot the lands situated in Survey No.328/2 to a similar extent in Kaulpalayam Village, Duraimangalam Madura, Perambalur Taluk, and District to the petitioner's M/s.R.M.K. BULE METALS QUARRY as per the proposal of the Tahsildar, Perambalur Taluk, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and thus, render Justice.

7. Without expressing any opinion on the merits of the case, this Court is inclined to issue a direction to the ***Second** respondent to allot the lands in Survey No. 328/2 to a similar extent in Kaulpalayam Village, Duraimangalam Madura, Perambalur Taluk, and District to the petitioner's R.M.K. BULE METALS QUARRY as per the proposal of the Tahsildar, Perambalur Taluk. The entire documentation for allotment should be completed on or before 31.03.2020.

With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

***Corrected as per order of
this court for being mentioned
dated 22/07/2020 and made in
WP.No.29812 of 2018
-s/d-
Assistant Registrar**

// True Copy//

Sub Assistant Registrar

tta

To

To be Substituted in the
place of order despatched on
03/03/2020

1.The Chairman,
Tamilnadu Slum Clearance Board,
Chepauk, Chennai-600 005.

2.The District Collector,
Perambalur District,
Perambalur.

3.The Tahsildar,
***Perambalur Taluk.**

+1cc to Mr.A.R.Suresh, Advocate, SR.No.10773.
+1cc to Mr.S.Prabha, Advocate, SR.No.11165.
+1cc to Government Pleader, SR.No.11405.

W.P.No.29812 of 2018

NMI (CO)
CSR: 28.02.2020
aa24/07/2020