



IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 03.12.2021
CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.2124 of 2021
and WMP.No.2408 of 2021

M/s.Sri Kusuma haranath Thunai
Ex-servicemen Association,
Rep. by its President,
Mr.R.S.Baskaran,
No.26, 2/1016, Kennedy Street,
Jambulingam Main Road,
GKM Colony,
Chennai-82.

... Petitioner

Vs.

1. Union of India,
Ministry of Defence,
Represented by
The Defence Estate Officer,
Office of Defence Estate,
Chennai Circle,
No.306, Anna Salai,
Teynampet, Chennai-18.

2. The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat, Chennai-9.

3. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-5.

4. The Collector,
Chennai District,
4th Floor, Singaravelar Maligai,
No.62, Rajaji Salai,
Chennai-1.

5. The Tahsildar,
Ayanavaram Taluk,
18/31, Palliaarasan Street,
Kumaran Nagar, Kilpauk,
Chennai-10

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to remove the wrong entry made in the town survey land register as Peravallur Eri and the Government Poromboke land in respect of the petitioner's association land in Block No.32, T.S.No.3, (Old Survey No.379,



380, 381) at Peravallur Village and also remove wrong entry made in the town survey land register as government prompoku land and the name of the Tamil Nadu Slum Clearance Board in the adangal in respect of the petitioner's association land in Block No.1/TS No.7 and Block No.2/TS.No.8 (Old Survey No.153) at Ayanavaram village and make necessary correction so as to adangal of the above said properties in the name of M/s.Sri Kusuma Haranath Thunai Ex-servicemen association as ownership rights of the land had never been transferred to the 3rd respondent as instructed by the Ministry of Defence vide letter No,N/478/WP 21898/93/52/MC dated 17.07.2012 by considering the representation dated 05.01.2021 of the petitioner.

For Petitioners:Mr.R.Meenakshi

For Respondent :Mr.Richardson Wilson R1
Government Advocate
Mrs.C.Sangamithirai R2, R4 & R5
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 05.01.2021.

2. The case of the petitioner is that the lands at Block No.32, TS.No.3 (old Survey No.379, 380, 381) at Peravallur Village has been allotted to the petitioner's association by the first respondent on 31.03.1977. It is also the case of the petitioner that the Government of India, Ministry of Defence by its letter dated 17.07.2012 to the Managing Director, Tamil Nadu Slum Clearance Board has stated that the Tamil Nadu Slum clearance Board should act as a Nodel agency on behalf of the Government of India, Ministry of Defence for infrastructural development and allotment of entire land measuring an extent of 139.07 acres in favour of the petitioner association. The Division Bench of this court by its order dated 02.04.2013 passed in W.P.no.6764 of 2012 has also recognized that the subject property is not a water body. According to the petitioner, the said order has attained finality. But despite the same, according to the petitioner as seen from the Extract of town Survey Land Register dated 04.10.2020, the said land has been classified wrongly as a water body. In this regard, the petitioner issued legal notice to the 5th respondent dated 18.11.2020 to remove the wrong entry made in the above said revenue records. Again the petitioner made a representation dated 05.01.2021 to all the respondents for the very same issue. till date, there is no response. In such circumstances, this Writ Petition has been filed before this Court seeking appropriate relief.



WEB COPY

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the 5th respondent to consider the petitioner's representation dated 05.01.2021 and pass appropriate orders within the time stipulated as fixed by this Court.

4. The learned Standing counsel appearing for the respondents submitted that the petitioner's representation will be considered and appropriate orders will be passed in accordance with law within the stipulated time as fixed by this Court.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner's representation will be considered and the orders will be passed on merits within the stipulated time as fixed by this court.

6. Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the first respondent as well as the learned Special Government Pleader for the respondents 2, 4 & 5 and perused the materials available on record.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on bothsides, this Court directs the 5th respondent to consider the petitioner's representation dated 05.01.2021 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

rli

To

1. Union of India,
Ministry of Defence,
Represented by
The Defence Estate Officer,
Office of Defence Estate,
Chennai Circle,
No.306, Anna Salai,
Teynampet, Chennai-18.



2. The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat, Chennai-9.

3. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-5.

4. The Collector,
Chennai District,
4th Floor, Singaravelar Maligai,
No.62, Rajaji Salai,
Chennai-1.

5. The Tahsildar,
Ayanavaram Taluk,
18/31, Palliaarasan Street,
Kumaran Nagar, Kilpauk, Chennai-10

+1 cc to M/s.R.Meenakshi., Advocate Sr.NO.63421
+1 cc to Mr.S.Divakar, Advocate Sr.NO.64138
+1 cc to Government Pleader Sr.NO. 63778

W.P.No.2124 of 2021
and WMP.No.2408 of 2021

AD(CO)
A.SK(17.12.2021)