



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11861 of 2019

1.A.Sikkandar @ A.R.Mohammad Sikandar
2.A.Abdul Kareem
... Petitioners

Vs

1.The District Collector,
Kanchipuram District

2.The Thasildhar,
Tambaram Taluk,
Kanchipuram District

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the first to second respondents to take enforcement action and to provide alternative site in Vengambakkam Village Survey No.165/1 to the first petitioner and second petitioner lived in Gundumedu, Puduperungalathur on his representation dated 04.03.2019.

For Petitioners : M/s.R.Varalakshmi

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

The writ petition is filed to issue a Writ of Mandamus directing the first and second respondents to take enforcement action and to provide alternative site in Vengambakkam Village Survey No.165/1 to the first petitioner and second petitioner lived in Gundumedu, Puduperungalathur on their representation dated 04.03.2019.

2. The petitioners were residing at Gundumedu, Puduperungalathur in Government poramboke land comprised in survey No.365A for several years along with others. When the Government had attempted to vacate them, they approached this



Court in WP.No.9618 of 1996 and granted interim injunction restraining the officials not to evict them. While pending the interim order, they had been vacated and as such vacated on 27.10.1997. They approached this Court by way of contempt petition in Cont.P.No.465 of 1997 and in the said contempt petition, District Collector, Kancheepuram had agreed to give alternate land to the affected persons and the same was recorded by this Court on 06.01.1998. However, the said undertaking was not complied with and as such the petitioners again filed contempt petition in Cont.P.No.655 of 1998. Thereafter, with liberty to the petitioners to approach this Court, the said petition was closed. The Government order was passed in GO.Ms.No.160 dated 22.03.2000, thereby the land comprised in survey No.165/A was chosen as alternate site with members of an association. However, some of the members of the association were allotted house sites and other members including the petitioners were not allotted any house site. Therefore, the petitioners had sent so many representations seeking for allotment of alternate site and the same is not considered. While pending the writ petition, the Tahsildar, Tambaram i.e. the second respondent reported before this Court that when the petitioners were directed to appear for enquiry on 01.06.2021, and thereafter on 08.06.2021 no one was present for enquiry. Though there is no place is available for allotment of house site in favour of the petitioners, under Slum Clearance Board, the petitioners will be allotted two houses for their dwelling.

3. The learned counsel for the petitioners would submit that the petitioners duly appeared before the second respondent on 04.09.2021 and submitted all the proof and specifically requested the second respondent to allot house sites.

4. Heard, M/s.R.Varalakshmi, the learned counsel for the petitioners, and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondents.

5. On perusal of the Government order in GO.Ms.No.160 Revenue Department dated 22.03.2000, the Government proposed to allot alternate site in the land comprised in survey No.165/1, Vengambakkam Village, Tambaram Taluk, Kancheepuram District. However, now the second respondent stated that no place is available in Vengambakkam Village. Only on the Government order passed by this Court, this Court closed the contempt petition and directed the respondents to allot house sites.

6. Considering the above, the petitioners are directed to appear before the second respondent on or before 13.12.2021 and on their appearance, the second respondent is directed to



consider their request and allot alternate house site for the petitioners as per GO.Ms.No.160 Revenue Department dated 22.03.2000. It is made clear that if no place is available in Vengambakkam Village in and around the Tambaram Taluk, the second respondent is directed to allot alternate house site to the petitioners within a period of four weeks thereafter.

7. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kanchipuram District.

2.The Thasildhar,
Tambaram Taluk,
Kanchipuram District

+2ccs to Ms.R.Varalakshmi, Advocate SR.No.62488

+1cc to Government Pleader SR.No.63003

W.P.No.11861 of 2019

AK II (CO)
GMY (07/12/2021)