



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.18015 OF 2021

F.Hepsy Fernandez

... Petitioner

-Vs-

1. The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
The District Collector Office,
Coimbatore District,
Pincode - 641018.
3. The Commissioner,
Coimbatore City Corporation,
Coimbatore,
Pincode - 641001.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 23.03.2021 and consequently to pass appropriate orders within the period fixed by this Hon'ble Court.

For Petitioner : Mr.C.Palanisamy
For R1 and R2 : Mr.G.Ameedius
Government Advocate.
For R3 : Mr.K.Magesh
Standing Counsel.



ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 23.03.2021 and consequently to pass appropriate orders within the period fixed by this Hon'ble Court.

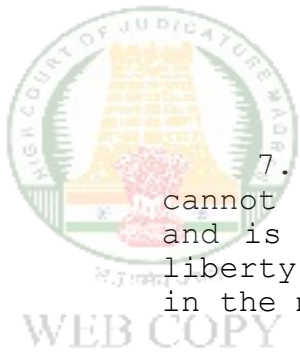
2. Heard Mr.C.Palanisamy, learned counsel appearing for the petitioner, Mr.G.Ameedius, learned Government Advocate appearing for the respondents 1 and 2 and Mr.K.Magesh, learned Standing Counsel appearing for the third respondent.

3. The petitioner submitted an application for re-conveyance of the lands which were acquired by the respondents for the purpose of construction of Sewage Water Treatment Plant for Underground Drainage Project being executed in the Coimbatore City.

4. A perusal of the counter filed by the respondents revealed that the land to an extent of 657 acres in Vellalore and Kurinchi Village of Madukkarai Taluk, Coimbatore District, were acquired by the Special Tahsildar (Land Acquisition), Coimbatore, during the year 1981 to 1986 for the purpose of Sewage Farm and construction of Sewage Treatment Plant to Coimbatore Corporation. After completion of acquisition proceedings, the award was passed on various dates and compensation amount was also paid to the respective land owners. The acquired lands were handed over to TWAD Board on 10.11.1986 and 06.12.1986. In turn, it was handed over to the third respondent herein on 09.10.1988.

5. Therefore, the entire revenue records were mutated in the name of the third respondent and the third respondent was also issued Patta in Patta No.700. The acquired lands had been used for dumping wastage yard combines bus stand, frozen Sewage treatment plant. Further, to an extent of 53.17 acres have been allotted to Armed Force and 20 acres for construction of Harijans' Welfare to Slum Clearance Board.

6. That apart, the Director of Town Panchayat requested the third respondent to allot 2 acres of land in Survey No. 659, for the purpose of bus terminus to Vellalore Town Panchayats. As per Council resolution No.19, dated 11.06.2014, the third respondent accepted the request of the Director of Town Panchayats and sent to the Government for getting permission. Accordingly, the first respondent accorded permission by G.O.No.31, dated 12.02.2016. Therefore, no land is available for re-conveyance in favour of the petitioner.



7. In view of the above, the request of the petitioner cannot be considered and the writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to look out her remedy for enhancement of compensation in the manner known to law.

8. With the above directions, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
The District Collector Office,
Coimbatore District,
Pincode - 641018.
3. The Commissioner,
Coimbatore City Corporation,
Coimbatore,
Pincode - 641001.

+1cc to Mr.K.Magesh, Advocate, S.R.No.64476
+1cc to the Government Pleader, S.R.No.65336

W.P.No.18015 of 2021

PL(CO)
PM/27/12/2021