



W.P.No.19885 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.19885 of 2015

1.Babu Ganesh

2.P.S.Gowri

... Petitioners

Vs.

1.The Secretary to Government
Revenue Department,
Fort St.George,
Secretariat, Chennai.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Mogappair Division,
Chennai – 600 101.

4.The District Collector,
Thiruvallur District,
Thiruvallur.

5.The Thasildar,
Poonamallee Taluk,
Poonamallee.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue writ of Mandamus, directing the first respondent to conduct an enquiry into the allotment of lands made to the persons other than the 14 encroachers in the land in Survey No.713/1B1 in Parthipattu Village and also direct the respondents to provide adequate compensation to the petitioners for forcefully dispossessing them.

For Petitioners : Mr.V.Chandraprabu

For R1 : Mr.M.Rajendiran
Additional Government Pleader

For R2 & R3 : Mr.R.Bharath Kumar
Senior Counsel

ORDER

This Writ Petition has been filed to direct the first respondent to conduct an enquiry into the allotment of lands made to the persons other than 14 encroachers in the land in Survey No.713/1B1 in Parthipattu Village and also direct the respondents to provide adequate compensation to the petitioners for forcefully dispossessing them.



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2.The admitted facts go to show that originally, there was an encroachment in the Government land and the Government has taken action to remove the encroachers and to demolish the structures made by them. Admittedly, the petitioners' father among others have filed an injunction suit and obtained temporary injunction.

3.From reading of the affidavit it is noted that the petitioners even though have been paying penalty charges to the Government, they are encroachers of the Government Land. Thereafter, it is alleged that during the pendency of the civil suit and during the subsistence of the interim order, the house of the petitioners was demolished and the encroachments were removed.

4.It is pertinent to note that the petitioners' mother was given an alternative accommodation by the second respondent. Now, the grievance of the petitioners is that there are irregularities in allotment of the alternative accommodation and with regard to payment of compensation. Some of the



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encroachers have obtained the accommodation, but the writ petitioners and similarly placed persons have not obtained the accommodation. In this regard, the petitioners seek conduct of enquiry against the Government officials.

5.At the out set, the petitioners' father was an encroacher as admitted by them by way of plaint filed in the Civil Suit. The Government after issuance of notice, had removed the encroachers and as a welfare measure provided alternative accommodation to all the embellished encroachers. Once the alternative accommodation is given and that the encroachment is removed, the petitioners cannot have any grievance for the same and they do not have any right over the land. Further, the petitioners cannot claim any compensation as a matter of right, as it has disbursed by the Government as a rehabilitation measure. The petitioners cannot have any locus standi to maintain the writ petition on the factual disputes.

6.Fixing of quantum of compensation, issuance of notice before eviction to the legal representatives in allotment of land are matters, which



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can be resolved only by a fact finding Court and this Court cannot grant permission to the encroachers or fix quantum of compensation or award compensation or to direct the respondent to conduct an enquiry to probe alleged irregularities on assumption for the purpose of awarding compensation, such claim shall be deprecated.

7.Writ petition revolves around the factual disputes, which happened two decades ago. The writ petition filed after a period of twelve years is hit by latches. Therefore, the writ petition is not sustainable in law.

8.Accordingly, this Writ Petition stands dismissed. No costs.

22.02.2022

Dua
Index: Yes/No
Internet: Yes/No
Speaking Order/ Non-Speaking Order

To

1.The Secretary to Government
Revenue Department,
Fort St.George, Secretariat, Chennai.

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M.GOVINDARAJ,J.

Dua

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