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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.21682 of 2015

and

W.M.P.Nos.1 and 2 of 2015

Semmancherry Rajiv Gandhi
Nala Sangam
Regd.No.230 of 2013
Represented by its Secretary,
S.Gunasekaran,
No.1/105, Rajiv Gandhi Nagar,
Pazhathottam Salai,
Semmancherry, Chennai-600119.

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai-600009.
- 2.The Commissioner,
Land Administration,
Chepauk, Chennai-600005.
- 3.The Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kancheepuram District.
- 5.The Commissioner,
Corporation of Chennai,
Chennai-600003.
2015



6. The Deputy Commissioner,
Salt Department,
Ministry of Industries and Commerce,
No.26, Haddows Road,
Shastry Bhavan, Chennai.6.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to G.O.No.332 Rev.Nemu No.4(2) Dept. dated 19.05.2006 and quash the same and forbear the respondents from ousting or dispossessing residents, the members of the petitioner's Association of Survey No.337, Semmencherry Village, Kancheepuram District.

For Petitioner : Mr.G.T.Subramanian

For R1 to R4 : Mr.P.Sathish
Additional Government Pleader

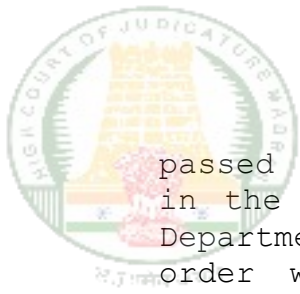
For R5 : M/s.Manimekalai
Standing Counsel for Chennai Corporation

For R6 : Mr.Venkatasamy Babu
Standing Panel Counsel

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to G.O.No.332, Rev.Nemu No.4(2) Department. dated 19.05.2006 and quash the same and forbear the respondents from ousting or dispossessing residents, being the members of the petitioner/Association from Survey No.337, Semmencherry Village, Kancheepuram District.

2. It is the case of the petitioner that the Association is a welfare association and that in the said area, more than 200 families are residing for more than 70 years. It is further submitted that all the basic amenities have been provided to the residents and that the residents are paying house taxes and other taxes to the local bodies. It is the averment of the petitioner that the lands in which the petitioner is residing is classified as Mechalkala Poramboke. In the year 2006, the 1st respondent



passed G.O.No.332 Revenue Dated 19.05.2006 effecting correction in the revenue records to list the lands as belonging to Salt Department and further directed removal of encroachers, which order was passed by the Commissioner of Land Administration without providing opportunity to the residents residing therein. Further to the said Government Order, the said Salt Department had given lease to one private company, which is sought to be fenced excluding the lands occupied by the members of the petitioner Association. In this regard, the residents forwarded various representations to all the officials, but in vain. Therefore, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that though the petitioner has challenged the transfer of land to the Salt Department vide the aforesaid Government Order, however, the main grievance of the petitioner is that they should not be dispossessed without following the due process of law. He further submitted that the various representations submitted by the petitioner in this regard be directed to be considered within the time frame fixed by this Court.

4. Learned Government Advocate appearing for the respondents submit that the members of the petitioner Association will not be dispossessed without following the due process of law and that the petitioner association may be directed to forward a copy of the representation, which will be considered by the respondents and orders passed thereon in accordance with law within the time frame fixed by this Court.

5. In view of the fair stand taken by the learned counsel appearing on either side and also the fact that though challenge has been made to G.O.No.332 Rev.Nemu No.4(2) Dept., dated 19.05.2006, relating to transfer of land in favour of the Salt Department, however, in view of the submission of the petitioner, this Court, in exercise of its inherent power, considering the limited request of the petitioner, modifies the relief as sought for and without interfering with the aforesaid Government Order, directs the respondents not to disturb the possession of the member of the petitioner Association without following the due process of law. Further, liberty is also granted to the petitioner to submit representation along with a copy of this order to the respondents, which shall be considered by the respondents and orders passed thereon in accordance with law as expeditiously as possible.



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6. This Writ petition is disposed of with the aforesaid observation and direction. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

Psa

To

- 1.The State of Tamilnadu,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai-600009.
- 2.The Commissioner,
Land Administration,
Chepauk, Chennai-600005.
- 3.The Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kancheepuram District.
- 5.The Commissioner,
Corporation of Chennai,
Chennai-600003.
- 6.The Deputy Commissioner,
Salt Department,
Ministry of Industries and Commerce,
No.26, Haddows Road,
Shastry Bhavan, Chennai.6.

+1cc to Mr.Venkataswamy Babu, Advocate SR.No.18720

+1cc to Mr.K.P.Gopalakrishnan, Advocate SR.No.18709

+1cc to the Government Pleader, SR.No.18817

+1cc to M/s.B.Manimegalai, Advocate SR.No.18633(12/04/2022)

W.P. No.21682 of 2015

JPL(CO)

CB(08/04/2022)