



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.14243 OF 2022

Bridget Peter

... Petitioner

vs.

The Commissioner/Director,
Fisheries, Fishermen Welfare Commissioner Office,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam,
Chennai - 600 035

...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondent to consider the petitioner's representation dated 12.03.2022 and to allot a vacant land measuring an extent of 1 ground bearing new Survey No.3053/12 at Suriya Narayana Street, Royapuram, Chennai - 600 013.

For Petitioner : Mrs.Radha Gopalan
for Mr.N.Soundararajan

For Respondent : Mr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondent to consider the petitioner's representation dated 12.03.2022 and to allot a vacant land measuring an extent of 1 ground bearing new Survey No.3053/12 at Suriya Narayana Street, Royapuram, Chennai - 13.

2. Mr.T.Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondent. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.



3. The petitioner's mother Jayapushpammal was earlier allotted the aforementioned property by the Food and Agricultural Department in the year 1958. Since the possession was disturbed, a writ petition was filed by the legal heirs of the said Jayapushpammal which was dismissed by the learned Single Judge of this Court and thereafter, the petitioner along with his siblings preferred a writ appeal which also came to be dismissed on 30.04.2021 in W.A.No.493 of 2020. The petitioner's family members after the demise of the original allottee Jayapushpammal, have already been evicted from the aforementioned properties by the respondent which is admitted by the petitioner in the affidavit filed in support of this petition. In paragraph 19 of the Division Bench Judgment referred to supra, it has been recorded that an announcement was made in the Legislative Assembly that the site occupied by the petitioner and his family members are required for the purpose of constructing a Paraprofessional Institute of Fisheries Technology. The institute is proposed to be opened for the purpose of creating skilled paraprofessional manpower for the industry and for Fish Processing Industry and thereby empower the under privileged youth.

4. Heard Mrs.Radha Gopalan, learned senior counsel for the petitioner and Mr.T.Seenivasan, learned Special Government Pleader appearing for the respondent.

5. Learned Senior Counsel for the petitioner drew the attention of this Court to G.O(Ms) No.100 dated 18.10.2021 and would submit that the proposal has now been cancelled, as per the said G.O. She also drew the attention of this Court to the Food and Agricultural Department dated 13.11.1958 wherein according to her, the original allottee namely N.J.Pushpammal was allowed to continue in occupation of the site purely as a matter of grace till the site is taken up for development. She would submit that since the site is presently not going to be developed, the petitioner who is also one of the sons of the deceased N.Jayapushpammal can be allowed to retain occupation of the property till the actual development took place. Therefore, she would submit that the representation dated 12.03.2022 submitted by the petitioner seeking for allotment of the property which was earlier allotted to the petitioner's mother can be considered by the respondent on merits and in accordance with law.

6. On the contrary, the learned Special Government Pleader appearing for the respondent drew the attention of this Court to the various observations recorded in the judgment of the Division Bench dated 30.04.2021 and in particular, he referred to paragraph Nos.13 and 18 and would submit that the petitioner



and other legal heirs of the deceased Jayapushpammal have been treated as illegal occupants by the Division Bench of this Court. Though the aforementioned observations has been made by the Division Bench, since the petitioner and other occupants have already been evicted by the respondent from the subject site, no prejudice would be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a time frame to be fixed by this Court.

7. For the foregoing reasons, this court directs the respondent to consider the petitioner's representation dated 12.03.2022 seeking for an allotment of a vacant land measuring an extent of one ground bearing new S.No.3053/12 at Suriya Narayana Street, Royupuram, Chennai - 600 013 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of three months from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner/Director,
Fisheries, Fishermen Welfare Commissioner Office,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam,
Chennai - 600 035

+2ccs to Mr.N.Soundararajan, Advocate, S.R.No.33909

W.P.No.14243 of 2022

SVI (CO)
RLP (15/06/2022)