



W.P.No.6017 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.6017 of 2014
and M.P.Nos.1 & 2 of 2014**

- 1.Priya
- 2.Santhi
- 3.Mageswari
- 4.Venkatesan
- 5.Raman
- 6.Sundaram
- 7.Shanthi
- 8.M.Pagutharivu
- 9.S.Bhuvaneshwari
- 10.P.Jayanthi
- 11.S.Suseela

...Petitioners

Versus

- 1.The District Collector,
Thiruvallur District.
- 2.Revenue Divisional Officer,
Ponneri-Ambattur Taluk,
Thiruvallur District.
- 3.The Tahsildar,
Ambattur Taluk,
Thiruvallur District.
- 4.The Revenue Inspector,
Ambattur Taluk,
Thiruvallur District.



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5.The Assistant Engineer, P.W.D
W.R.O., Adyar Section,
St.Thomas Mount,
Chennai – 600 016.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the third respondent in Na.Ka.3898/2012/C-2 order dated 05.11.2013 and quash the same and direct the respondents 1 to 4 to allot alternative sites to the petitioners as allotted to other occupants of Ambattur Lake, Ambattur Taluk, Thiruvallur District.

For Petitioners : Dr.G.Krishnamurthy
For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

The prayer sought by the petitioner in this writ petition is to call for the records relating to the impugned order dated 05.11.2013 passed by the third respondent in Na.Ka.No.3898/2012/C-2 and quash the same and direct the respondents 1 to 4 to allot alternative sites to the petitioners as allotted to other occupants of Ambattur Lake, Ambattur Taluk, Thiruvallur District.

2. The case of the petitioners is that they occupied Ambattur Lake premises and constructed small houses therein since they are living below



the poverty line. They are residing there with their family for more than 15 years. They got electricity service connection to their houses. Road and water facility were provided to them by Ambattur Township. That apart, Ration Card and Voter ID were also issued to them. While so, on 21.01.2009, the fourth respondent demolished and removed the houses of petitioners in Ambattur Lake with the help of J.C.B vehicle. The respondents assured to provide alternative site to the petitioners and as a proof of assurance, the fourth respondent put his seal and signature in the Ration Card, Electricity Card & Tax Receipt of petitioners. Thereafter, petitioners made several representations to the respondents, requesting to provide alternative site to them. Whenever the petitioners approached the respondents in this regard, they assured that as soon as they identified the place, they will provide alternative sites. The third respondent had given token with seal to all the petitioners and assured that alternative site will be provided to them. However, the respondents had driven the petitioners from pillar to post, without providing any alternative site to them.

2.1. Subsequently, the petitioners came to know that respondents had allotted alternative site to majority of the occupants of Ambattur Lake in



Morai Village. Even the persons who are not the occupants of Ambattur Lake were also allotted with alternative site, but, the petitioners who occupied the Ambattur Lake premises were not given alternative site. Hence, the aggrieved petitioners made representations to the respondents requesting to allot alternative site. However, the respondents did not take any steps with regard to the representations made by petitioners. Left with no other alternative, petitioners have filed a writ petition in W.P.No.11037 of 2013 before this Court, praying to direct the respondents herein to allot alternative site to them. This Court vide order dated 17.04.2013 disposed of the said writ petition by observing as follows:

“3. I find from the records that the petitioners have not made any representation in the recent past. Therefore, to enable the respondents to consider and pass orders, I direct the petitioners herein to make an individual representation to respondents 1 to 4 giving out the details about their occupation and other documents to show that the occupation in respect of (Ambattur) Lake area, within a period of fifteen days from the date of receipt of a copy of this order. On receipt of such representation received from the petitioners, the respondents 1 to 4 shall consider the same and pass orders on merits and in accordance with law, after affording opportunity to the petitioners and others, if any, within a period of three months thereafter.

4. In the result, the writ petition is disposed of in the above terms. No costs. Consequently, the connected Miscellaneous Petition is also closed.”



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2.2. As per the above direction issued by this Court, petitioners have submitted their individual representation along with available documents such as token given by the third respondent, before the respondents 1 to 4. The respondents have verified the documents submitted by the petitioners and assured that token which was given to the petitioners is enough to get alternative site, but, thereafter, the third respondent vide order in Na.Ka.3898/2012/C-2 dated 05.11.2013 refused to provide alternative site to the petitioners for the reason that they did not produce the basic documents such as Ration Card, E.B.Card indicating that they were the occupants of Ambattur Lake premises. Challenging the order passed by the third respondent, petitioners have filed the present writ petition before this Court.

3. The learned counsel for the petitioners submitted that as against the order passed by the third respondent, petitioners have an effective appeal remedy before the second respondent. Therefore, the learned counsel prayed that permission may be granted to the petitioners to file an appeal before the second respondent.



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4. In view of the above submission made by the learned counsel for petitioners, this Court without interfering with the order under challenge, grants permission to the petitioners to file appropriate appeal before the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On such appeal being filed, the second respondent shall consider the same, without raising any issue as regards the limitation aspect and dispose of the same, on merits and in accordance with law, within a period of twelve weeks thereafter.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to return the original impugned order to the petitioners so as to enable them to file the appeal before the second respondent/Revenue Divisional Officer.



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Copy to

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M.DHANDAPANI, J.

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