



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4580 of 2022
and W.M.P. (MD) .No.3845 of 2022

R.Kalarani

.. Petitioner

Vs

1.The Deputy Director,
National Cadet Corps Directorate (NCC),
Tamilnadu, Pondicherry and
Andhaman Nichobar,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Trichy District,
Trichy.

3.The Tahsildar,
Srirangam Taluk Office,
Srirangam,
Trichy District.

4.The Group Commander,
NCC Group Headquarters,
No.4, 1st Floor, Subramaniyan Road,
Promenade Road,
Trichy - 620 001.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from constructing the NCC Academy on the petitioner's land situated in Old Survey No.364/4, new Survey No.168/4, situated at Olaiyur Village, Srirangam Taluk, Trichy District, without following any due process of law, on the basis of the petitioner's representation, dated 09.02.2022.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.T.Amjad Khan
Nos.1 to 3 Government Advocate



ORDER

This writ petition has been filed seeking for a Mandamus, forbearing the respondents from constructing the NCC Academy on the petitioner's land situated in Old Survey No.364/4, new Survey No.168/4, situated at Olaiyur Village, Srirangam Taluk, Trichy District, without following any due process of law, on the basis of the petitioner's representation, dated 09.02.2022.

2.The case of the petitioner is that she is the owner of the aforementioned property and she was earlier cultivating agricultural crops there. It is the case of the petitioner that an advertisement was given in the newspaper stating that there is a proposal to construct NCC Academy in that area. The apprehension of the petitioner is that the NCC Academy will encroach upon the petitioner's land mentioned supra. In such circumstances, she has given a representation on 09.02.2022, to the respondents to forbear them from constructing NCC Academy in her property, without following due procedure established under law. Since her representation has not been considered till date, she has filed this writ petition.

3.Heard M.K.Arunraj, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents.

4.On instructions, the learned Government Advocate, would submit that merely on an apprehension, the petitioner has filed this writ petition. The petitioner has filed the sale deed standing in her name for the aforementioned property along with this writ petition. It is her case that earlier, she was doing agricultural cultivation in the said property and she is in possession of the same.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, within a time frame to be stipulated by this Court.

6.Accordingly, this Court directs the second respondent to consider the petitioner's representation, dated 09.02.2022, seeking to forbear the respondents from constructing the NCC Academy on the petitioner's land situated in Old Survey No.364/4, new Survey No.168/4, situated at Olaiyur Village, Srirangam Taluk, Trichy District, without following the due process of law and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Deputy Director,
National Cadet Corps Directorate (NCC),
Tamilnadu, Pondicherry and
Andhaman Nichobar,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Trichy District,
Trichy.

3. The Tahsildar,
Srirangam Taluk Office,
Srirangam,
Trichy District.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-12674[F] dated 17/03/2022)

+1 CC to M/s.SPL GP (SR-12946[F] dated 18/03/2022)

W.P. (MD)No.4580 of 2022
16.03.2022

sp(CO)

TR(25.03.2022) 3P 6C