



W.P.(MD)No.2633 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2633 of 2017

and

W.M.P(MD)No.2181 of 2017

Xavier

... Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai – 600 009.

2.The District Collector,
Madurai District, Madurai.

3.The Special Tahsildar,
Land Acquisition,
Ellis Nagar Housing Scheme,
Collectorate, Madurai – 625 020.

4.The Executive Engineer & Administrative Officer,
Special Division,
Ellis Nagar Housing Scheme,
Madurai Housing Unit, Madurai.

5.M/s. Tamil Nadu State Transport Corporation,
Represented by its Managing Director,
Bye-Pass Road, Madurai – 10.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to hand over the possession of the properties comprised in Survey Nos.6/1B3 to an extent of 10 1/8 cents bearing Plot No.14 and comprised in Survey No.14/1A1A1A to an extent of 12 Cents bearing Plot No.9 in Ellis Nagar, Ponmeni Village, Madurai, standing in the name of the deceased father of the Petitioner on the basis of the order passed in W.P.No.1323 of 1994 by the Principal Seat of this Court.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R.1 to R.3

Mr.R.Sivakumar
Standing Counsel for R.4

Mr.N.Murugesan for R.5

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 3. Though the fifth respondent corporation has been served and it was entered appearance through its counsel, there is no appearance on way of the fifth respondent.

2.The petitioner Mr.Xavier is a senior citizen aged about 78 years. His father Thiru.Arthur David filed W.P.No.1257 of 2004 for directing the respondents 1 to 4 to hand over the vacant possession of the petition mentioned



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land. The said writ petition was allowed on 27.09.2004. Aggrieved by the same, W.A(MD)No.1388 of 2006 was filed and the same was also dismissed on 26.11.2010.

3.The learned Standing counsel for the fourth respondent board pointed out that there are communications from the advocate on record in the year 2011 indicating that SLP was filed challenging the dismissal of the writ appeal. The status of the SLP is not known. In the meanwhile, Thiru.Arthur David had passed away a long time back. The petitioner had not received any notice till date. Therefore, I have to necessarily proceed on the footing that the order passed by this Court directing that the petition mentioned lands should be handed over to the petitioner's father had not been stayed or set aside. The petitioner had stepped into the shoes of his father. When this Court had given a direction and the same has also been confirmed by the Hon'ble Division Bench, it is the duty of the respondents to comply with the same. It is now stated that the site in question has been handed over to the fifth respondent to enable it to park its buses. The proceedings had long ago been quashed. Therefore, the consequences will have to follow.



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4.The respondents are directed to hand over the possession of the petition mentioned land to the petitioner herein forthwith and without any delay. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

06.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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Fort St.George,
Chennai – 600 009.

2.The District Collector,
Madurai District,
Madurai.

3.The Special Tahsildar,
Land Acquisition,
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G.R.SWAMINATHAN, J.

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