



W.P.No.13501 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13501 of 2021

and W.M.P.Nos.14372 of 2021

C.Pachainayagam

. . . Petitioners

Vs.

1. The District Collector,
Collectorate Buildings,
Coimbatore District-641 018.
2. The Superintending Engineer,
Public Works Department,
Parambikulam-Aliyar Circle,
Pollachi-642 003.
3. The Executive Engineer,
Public Works Department,
Parambikulam Aliyar Projects,
Parambikulam,
Parambikulam Post-678 661.
4. The Assistant Engineer,
Public Works Department,
(Water Resource Organisation)
Irrigation Division-I
Vettaikaranpudhur,
Annamalai Taluk-642 129.

5. K.P.Muruganantham

. . . Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 05.05.2021 seeking not to grant lease admeasuring to an extent of 3.40 acres comprised in S.F.Nos.581/1B, 581/1A2 in Vettaikaranpudur Village, Pollachi Town to the 5th respondent and pass appropriate orders in accordance with law after providing an opportunity to the petitioner.

For Petitioner : M/s.N.Umapathi
For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1 to R4.
: Mr.T.M.Naveen for R5.

ORDER

This Writ Petition has been filed for a direction to the 2nd respondent to consider the petitioner's representation dated 05.05.2021 and pass orders on the same.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the Respondents 1 to 4.



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3. It is the case of the petitioner that originally the lands comprised in S.F.Nos.581/1B, 581/1A2 and 582/2 belongs to the petitioner's late father. Thereafter, the said lands were acquired by the Government of Tamil Nadu for the purpose of laying PAP channel. However, the entire lands have not been utilized for the purpose for which it was acquired and the un-utilized lands were transferred to the Public Works Department. While so, the 5th respondent who is the sister of the petitioner filed a Writ Petition before this Court in W.P.No.10426 of 2004 claiming for re-conveyance of the aforesaid lands on re-payment of the compensation amount which was paid towards the said acquisition. The Writ Petition was disposed of with a direction for consideration of the application for re-conveyance. The grievance of the petitioner is that steps are taken by the 4th respondent to lease out the said lands to the 5th respondent. Therefore, he made a representation to the 4th respondent seeking not to grant lease to the 5th respondent, however, the petitioner's claim has been rejected by the 4th respondent without hearing the petitioner. Aggrieved by the same, the petitioner is before this Court.



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4. Though very many grounds have been raised, learned counsel for the petitioner submits that the grievance of the petitioner is that though his representation was considered, however, the claim of the petitioner has been rejected even without affording him an opportunity of personal hearing. Hence, the representation of the petitioner may be considered by granting an opportunity of personal hearing to the petitioner

5. On the above contentions, this Court heard the learned Additional Government Pleader appearing for the respondents 1 to 4 and learned counsel appearing for the 5th respondent.

6. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the 4th respondent herein to consider the petitioner's representation dated 05.05.2021 seeking to forbear the respondents from leasing out the property to the 5th respondent and pass appropriate orders in accordance with law, affording an opportunity of personal hearing, within a period of twelve weeks from the date receipt of a copy of this order.



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7. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

28.06.2023

Index : Yes / No

Internet : Yes / No

NHS

M.DHANDAPANI, J

NHS



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To

WEB COPY

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