



WEB COPY

W.P.No.16815 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16815 of 2023

M.R.Mani

... Petitioner

Vs.

1. The District Collector,
District Collector's Office,
Chengalpattu District – 603 001.

2. The District Revenue Officer,
Office of the DRO,
Chengalpattu District – 603 001.

3. The Special Tahsildar (LA),
Puducherry – Mamallapuram Corridor,
Unit – 3, Kancheepuram,
No. 16, Varadharajan Street,
Vedhachalam Nagar,
Chengalpattu – 603 302.

4. The Tahsildar,
Cheyyur Taluk,
Chengalpattu District – 603 302.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



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to issue Writ of Mandamus, directing the Respondents herein to provide alternative accommodation pertaining to the land acquisition proceedings initiated by the Respondents comprised in Survey No. 241/7 to an extent of 32 cents, situated at No. 121, Mugaiyur Village, East Coast Road, Cheyyur Taluk, the then Kancheepuram District presently Chengalpattu District, based on the petitioner's representation dated 10.04.2023, so as to comply with the earlier order in W.P.No.10719 of 2019, dated 30.06.2021.

For Petitioner : Mr.V.Ramanareddy

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader

ORDER

The relief sought in the present Writ Petition in W.P.No.16815 of 2023 is to direct the Respondents to provide alternative accommodation pertaining to the land acquisition proceedings initiated by the respondents comprised in Survey No. 241/7 to an extent of 32 cents, situated at No. 121, Mugaiyur Village, East Coast Road, Cheyyur Taluk, the then Kancheepuram District presently Chengalpattu District, based on the representation dated 10.04.2023 made by the petitioner, so as to comply with the earlier order dated 30.06.2021 passed in W.P.No.10719 of 2019.



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2. The learned counsel for the petitioner mainly contended that the land belonged to the petitioner was acquired for the expansion of East Coast Road projects. Thus, the petitioner has submitted an application to provide alternative land enabling the petitioner to continue his activities. Alternative accommodation cannot be claimed as an absolute right by filing a Writ Petition under Article 226 of the Constitution of India.

3. The scope of judicial review conferred under Article 226 of the Constitution of India cannot be expanded for the purpose of granting relief to provide alternative accommodation in the absence of establishing any right. If any scheme is provided for such alternative accommodation, then alone the petitioner can claim it as a right, but not otherwise.

4. Mere land acquisition would not confer any right to claim alternative accommodation, since the land losers are provided with compensation under the provisions of the Land Acquisition Act, 1894. Therefore, in the absence of establishing any right to claim alternative accommodation, High Court will not issue any direction even to consider the representation. By issuing a direction to consider the representation, the



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litigants are back again to High Court and such directions would do no service to the cause of justice. Mechanical issuance of such directions are paving wrong signal to public administration and there is a possibility of abuse of such order by the litigants and therefore, only in the event of establishing a right, High Court would be in a position to issue a direction and thus, the Writ Petition is not maintainable.

5. Accordingly, the Writ Petition in W.P.No.16815 of 2023 stands dismissed. No costs.

07.06.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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