



WEB COPY



W.P.No.32843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.32843 of 2023

and

W.M.P.No.32469 of 2023

1. R.Lalithambal

2. Mr.K.S.Viswanathan

... Petitioners

Vs.

The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the Respondent to consider the Petitioner's representations dated 10.05.2023 and consequently pass suitable orders as per law after affording reasonable opportunities to the petitioners by way of personal hearing to be attended by their representatives/Advocates within the stipulated time in the interest of justice.

For Petitioners : Mr.K.V.Subramaniam

For Respondent : Mr.V.Sudalai Selvam,
Senior Counsel for CMDA



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ORDER

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The writ petition is filed in the nature of Mandamus, to direct the respondent consider the Petitioner's representations dated 10.05.2023 and consequently pass suitable orders as per law after affording reasonable opportunities to the petitioners by way of personal hearing to be attended by their representatives/Advocates within the stipulated time in the interest of justice.

2. Learned counsel for the petitioner submitted that the property of an extent of 17 cents in Survey No.56/4 in Koyembedu village, Egmore-Nungambakkam Taluk, Chennai District, is the ancestral property of the petitioners and the property was inherited by the petitioners as legal heirs of their father by intestate succession. The Government of Tamil Nadu acquired the said 17 cents, without following the provisions of the Land Acquisition Act, and without even paying any compensation to the petitioners in 1983 as per their Award No.13/1983. Further, the said property was acquired by the Tamil Nadu Housing Board for construction of flats and building, but it was not utilised for the purpose for which it was acquired.



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3. The petitioners earlier filed a Writ Petition No.17750 of 2003 to quash the Award and direct the Tamil Nadu Housing Board to pay the compensation to the petitioners. This Court, by order dated 27.06.2003, in the Writ Petition No.17750 of 2003, directed the respondents to consider the representation of the petitioners, dated 27.05.2003, for re-conveyance of the lands to them and the respondent shall not dispose of the land under dispute to any third party. As this order was not conveyed, a Contempt Petition was filed. However, the said land of 17 cents was not conveyed to the petitioner, but only 10.5 cents of land was conveyed and the balance of 6.5 cents land was retained by the respondent without payment of any compensation to the petitioners. The land of 6.5 cents was retained by the respondent only for the purpose of widening the Nesapakkam Road, however, the same was not utilised for this purpose also. Thereafter, the Government, suddenly, without any verification of any Revenue Records, classified the land as “Poramboke”.

4. The petitioners have submitted many representations including the representations dated 11.11.2021, 12.12.2021, 09.06.2022 and 10.05.2023, which were not replied by the respondents. Hence, the present writ petition is filed.



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5. The respondent is directed to consider the representation made by the petitioners dated 10.05.2023, after issuing notice to the petitioners as well as the interested parties / rival claimants, if any, and thereafter, conduct the inquiry and pass appropriate orders on merits and in accordance with law. The said exercise is to be completed within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

7. W.M.P.No.32469 of 2023 is ordered on payment of separate Court fee by each of the petitioners.

22.11.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.



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P.VELMURUGAN. J.,

(sha)

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