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W.P.No.33310 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.33310 of 2018

T.Vasantha

...Petitioner

Vs.

1. The Chief Vigilance Officer,
Office of Chief Vigilance Office,
Neyveli Lignite Corporation,
J-26 Pandit Jawaharlal Nehru Road,
Block-8, Neyveli, Cuddalore District-607 801.
 2. The Chairman/Managing Director,
Neyveli Lignite Corporation,
Block-1, Neyveli, Cuddalore District-607 801.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondents to consider the petitioner representations dated 26.02.2018, 20.03.2018, 12.04.2018.

For Petitioner : Mr.R.Anandha Babu

For Respondents : Mr.N.Nithianandam

ORDER

This Writ petition has been filed seeking direction to the 1st



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respondent to consider the petitioner's representations dated 26.02.2018, 20.03.2018 and 12.04.2018 respectively.

2. The case of the petitioner is that a vast extent of lands including the petitioner's land comprised in S.No.215/2F2, 215/3C situated at Virudhachalam Taluk were acquired for the benefit of the Neyveli Lignite Corporation (in short 'NLC'), for which, the NLC provided alternative house site in favour of the land losers under the land losers scheme. Under the said scheme, house sites were allotted to 22 persons in Block-BII, Indira Nagar Rehabilitation Centre and the petitioner's son namely T.Ilayaraja was allotted with Plot No.88 and pursuant to the said allotment, the petitioner and her family members constructed toilet, water tank etc., and also planted several trees. While so, when the petitioner was away from her home with regard to the treatment of her second son namely Vasantharaja, who met with a serious road accident and got admitted in the Government Hospital, Pondicherry, taking advantage of the absence of the petitioner one Rangasamy, who is none other than the elder brother of the petitioner's husband, who has no authority over the allotted plot No.88, trespassed and encroached the same by creating forged documents and by destroying the records in respect of the allotment of Plot No.88 and fabricated the same in



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his favour, by colluding with some of the NLC officials. Immediately, the petitioner lodged several complaints before the concerned police officials and respondents, which evoked no response. Therefore, the petitioner filed a suit in O.S.No.256 of 2014 on the file of the District Munsif Court, Neyveli, however, the same was dismissed on 17.04.2012, aggrieved by which, the petitioner preferred an appeal in A.S.No.3 of 2014 and the same was also dismissed by the Lower Appellate Court on 29.01.2015, based on the fabricated documents and evidences. Therefore, the petitioner filed Second Appeal before this Court in S.A.No.225 of 2017, which was also dismissed on 27.03.2017. In such circumstances, the petitioner sent several detailed complaints and letters to the 1st respondent dated 26.02.2018, 20.03.2018 and 12.04.2018, seeking for necessary action against the concerned delinquent officers and to redeem the plot No.88. Pursuant to which, though several correspondence have taken place in between the officials and the petitioner, however, no final order has been passed on the same. Hence, this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction



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to the 1st respondent to consider the petitioner's representations/ letters dated 26.02.2018, 20.03.2018 and 12.04.2018, and pass orders on the same as expeditiously as possible.

4. Learned counsel appearing for the respondents submitted that the allotment of alternative house site was prior to 2004 and thereafter, questioning the allotment made in favour of the said Rangasamy, the petitioner already filed a suit in O.S.No.256 of 2014 and the same was dismissed and the subsequent appeal before the lower appellate court and the second appeal before this Court were also dismissed. While such being the legal position, suppressing the fact that, the very same issue was already decided as against the petitioner by the judicial forum, the petitioner once again is trying to re-open the very same issue, by making representations/ complaints, which is not sustainable and the same cannot be entertained. Hence, he prayed for dismissal of this Writ petition.

5. Heard learned counsel on either side and perused the materials placed on record.



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6. It is the claim of the petitioner that the petitioner's land was acquired for the benefit of NLC and subsequently, NLC allotted alternative site in plot No.88 in favour of her son, at her request. It is the further claim of the petitioner that, subsequently the said plot was allotted in favour of her husband's elder brother Rangasamy, by way of fraudulent means.

7. However, a perusal of the materials placed on record reveals that, challenging the said allotment made in favour of the said Rangasamy, the petitioner had already filed a suit in O.S.No.256 of 2014 and the same was dismissed and the subsequent appeal before the lower appellate court and the second appeal before this Court were also dismissed. When the very same issue was already decided by the lower Court as well as this Court and held against the petitioner, once again trying to rake up the very same issue by way of mere representations is not sustainable. Hence, the present Writ petition filed by the petitioner seeking the very same relief cannot be acceded to.

8. For the reasons aforesaid, this Writ petition stands dismissed. No costs.

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29.03.2023
(1/2)

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

M.DHANDAPANI., J.

skt

To

1. The Chief Vigilance Officer,
Office of Chief Vigilance Office,
Neyveli Lignite Corporation,
J-26 Pandit Jawaharlal Nehru Road,
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