



W.P.No.7100 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.7100 of 2023

R. Vidya

.. Petitioner

Vs

The Commissioner
Tambaram Corporation
No.28, Muthurenga Mudali Street
West Tambaram
Chennai 600 045

..Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to restore back the piece of land amounting 808 sq.ft. at old No.129, New No.23, Pammal Village to the petitioner.

For Petitioner

Mr.R.Sathiyamurthi

For Respondent

Mr.P.Srinivas, Standing Counsel

ORDER

This writ petition has been filed for a direction to the respondent to restore the piece of land measuring 808 sq.ft. at old No.129, New No.23, Pammal Village, to the petitioner.

2. Heard both sides and perused the materials placed on record.



W.P.No.7100 of 2023

3. It is the case of the petitioner that she is the absolute owner of the land in S.No.152/10 at Thirumurugan Nagar, plot No.18, comprising 1988 sq.ft.; she filed an application for issuance of patta for the said property; since the said application was not considered, she filed W.P.No.4399 of 2022, wherein, this Court directed the respondent therein to dispose of her representation; despite this direction, patta was not issued and therefore, she filed contempt petition No.2394 of 2022, wherein, a written communication by the Tahsildar in his proceedings dated 25.11.2022, was produced before the Court, which admits that out of 1,180 sq.ft. of the petitioner's land, 808 sq.ft. has been occupied by the Tambaram Corporation as garbage godown. Hence, the present writ petition.

4. Counter affidavit has been filed by the respondent to the effect that in the year 2012 itself, the micro compost centre was established in the said land for handling biodegradable waste and administrative sanction was also granted by the Commissioner of Municipal Administration and construction was carried out after calling for tenders. The petitioner purchased the said land, only in the year 2021. Hence, it is stated that in any event, the respondent is willing to acquire a part of the land belonging to the petitioner and acquisition will be made after the decision of the Corporation Council.



W.P.No.7100 of 2023

5. Now, admittedly, a micro compost centre has been established permanently on the land belonging to the petitioner by raising a construction thereon. The proceedings of the Tahsildar also indicates that 808 sq.ft. has been occupied by the Tambaram Corporation. The respondent, though took a stand that they occupied the subject land of the petitioner in the year 2012, it is stated in their counter that they are willing to acquire the said land, after a decision is taken by the Corporation Council. The Corporation cannot use the property of the public.

6. Be that as it may, now, it is fairly admitted that the respondent will commence the process for acquiring the said land and will pay just compensation to the petitioner. In my opinion, this will meet the ends of justice. It is made clear that the process for acquiring the petitioner's land, shall be commenced within a period of three months from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

30.07.2024

gya

Index : Yes/No

Neutral Citation : Yes/No



WEB COPY

To
The Commissioner
Tambaram Corporation
No.28, Muthurenga Mudali Street
West Tambaram
Chennai 600 045



W.P.No.7100 of 2023

N.SATHISH KUMAR, J.

gya

W.P.No.7100 of 2023

30.07.2024