



W.P.No.11608 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11608 of 2019

Visalatchi

...Petitioner

-Vs-

1.The Deputy Commissioner,
Department of Salt,
II Block, II Floor,
Haddows Road,
Shastri Bhavan
Nungambakkam,
Chennai – 600 006.

2.The Project Manager,
Salt Department,
Mapp Coolant Water Division Scheme,
Madras Atomic Pova Project,
Kelambakkam, Chennai – 103.

3.Jeppiarr Salt [P] Ltd.,
Plot No.337, Salt Factory,
Veeravanchinathan Street,
Chemancherry,
Chennai – 119.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a direction in the nature of Writ of Mandamus, to



W.P.No.11608 of 2019

consider the petitioner's representation dated 15.03.2019 and further direct respondents 1 to 3 to handover possession of the properties situated in S.No.337/12, to an extent of 1800 sq.ft of lands in Rajiv Gandhi Nagar, Pazhathotta Salai, in Chemmancheri Village Account, Tambaram Taluk, Kancheepuram District or alternatively allot a land situated to an extent of 3 cents belonged to respondents 1 and 2 to the petitioner, just opposite to the properties mentioned above as per the oral undertaking given by the 2nd respondent and to pass such further orders.

For Petitioner : Mr.Gowtham
for M/s.B.Annamalai

For R1 & R2 : Mr.Venkataswamy Babu

For R3 : Mr.Sidharth

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, to consider the petitioner's representation dated 15.03.2019 and further direct respondents 1 to 3 to handover possession of the properties situated in S.No.337/12, to an extent of 1800 sq.ft of lands in Rajiv Gandhi Nagar, Pazhathotta Salai, in Chemmancheri Village Account, Tambaram Taluk, Kancheepuram District or alternatively allot a land situated to an extent of 3 cents belonged to respondents 1 and 2 to the petitioner, just opposite to the properties mentioned above as per the oral undertaking given by the 2nd respondent.



W.P.No.11608 of 2019

WEB COPY

2. Learned counsel for the petitioner submitted that the properties situated in S.No.337/2 to an extent of 3600 Sq.ft land belonged to one Manicka Reddy in view of his continuous possession and enjoyment of the property. The above said Mancika Reddy constructed a house in the said property and living therein. The aforesaid Manicka Reddy on 17.07.2007, sold to the petitioner an extent of 1800 Sq.ft through an unregistered sale deed for a consideration of a sum of Rs.2,80,000/-. From the date of purchase, the petitioner was in peaceful possession and enjoyment of the aforesaid property. From the date of purchase, the petitioner paid property tax, water tax, electricity consumption charges and water taxes to the consent authorities.

3. Learned counsel further submitted that from 2015, the petitioner has resided away from the property in Enchempakkam in view of her son's studies. In July 2015, the petitioner went to see her house, where her thatched house was removed. When the petitioner enquired the nearerby houses, they inferred that the 3rd Respondent removed the thatched house in view of her absence from the house. The 3rd respondent removed her house without prior notice to the petitioner. Respondents 1 and 2 also colluded with the 3rd



W.P.No.11608 of 2019

respondent and did not intimate their actions. Even the 4 cents of land which was purchased by the petitioner from earlier occupier was also taken away by the 3rd respondent.

4. Learned counsel further submitted that the petitioner contacted the 2nd respondent and intimated about the illegal act of 3rd respondent. The 2nd respondent replied that she do not claim any right over the property given the lease to the 3rd respondent and in spite of that orally stated that to put up thatched house in the property situated opposite to her earlier thatched house. With the advice of the 2nd respondent, when the petitioner started to put up thatched house in a vacant land situated just opposite to her earlier thatched house following the undertaking given by the 2nd respondent, he objected and threatened that the petitioner should not put up thatched house. The act of respondents 1 and 2 leasing the property without her knowledge and act of the 3rd respondent removing her hut without her knowledge is against law. The petitioner vendor established adverse possession over the suit property, based upon his continuous, peaceful and uninterrupted possession and enjoyment of property. From the date of purchase from her vendor, the petitioner was in peaceful possession and enjoyment of the property.



W.P.No.11608 of 2019

5. Learned counsel further submitted that the petitioner gave her representation dated 15.03.2019 to respondents 1 to 3, in which she requested the authorities either to handover her land, which was in her possession earlier or alternatively give her land, which was situated just opposite to her earlier thatched house, as per the oral undertaking given by the 2nd respondent. Even though the respondents received the petitioner's representation, till date no action has been taken. Hence, the present writ petition has been filed.

6. A counter affidavit was filed on behalf of the 1st respondent dated 06.11.2019.

7. Learned counsel appearing for respondents 1 and 2 submitted that they are not the Competent Authority to allot an alternative site. It is only the Revenue Authority who has the power to allot an alternative site as requested by the petitioner.

8. Learned counsel appearing for 3rd respondent submitted that as per G.O.Ms.No.332, Revenue – (N.M.4(2) Dept.) dated 19.05.2006, the petitioner has been removed from the land since she has encroached the



W.P.No.11608 of 2019

same. It is to be noted that the third respondent has removed the petitioner.

WEB COPY

9. Head both sides and perused the materials available on record.

10. In view of the above submission made by the learned counsel on either side, this Court without going into the merits of the case, issues the following directions:

- a) The petitioner is directed to give a fresh representation to the first respondent / Deputy Commissioner, Department of Salt, Chennai, within a period of two weeks from the date of receipt of a copy of this order.
- b) On receipt of the same, the first respondent is directed to consider the petitioner's representation on merits, in accordance with law and pass appropriate orders within a period of four weeks thereof.

In the result, the writ petition stands disposed of with the above observation and directions. No costs.

30.07.2024



W.P.No.11608 of 2019

cda

Index : Yes / No

Speaking / Non-Speaking Order

To

- 1.The Deputy Commissioner,
Department of Salt,
II Block, II Floor,
Haddows Road,
Shastri Bhavan
Nungambakkam,
Chennai – 600 006.
- 2.The Project Manager,
Salt Department,
Mapp Coolant Water Division Scheme,
Madras Atomic Pova Project,
Kelambakkam, Chennai – 103.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.11608 of 2019

W.P.No.11608 of 2019

30.07.2024