



WEB COPY



W.P.No.28263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.28263 of 2024
and
W.M.P.No.30805 of 2024

1.Murugamani
2.Dhansekar

... Petitioner

Vs.

1.The District Collector
District Collectorate,
Chennai District

2.The Tahsildar
Office Of Tahsildar Perumbur Taluk
Chennai District

3.The Chairman And Managing Director
Chennai Metro Rail Limited (CMRL Depot)
Annasalai, Chennai District

4.The Chairman And Managing Director,
Tamil Nadu Urban Habitat Development Board,
Kamarajar Salai, Ayothiya Nagar, Triplicane,
Chennai District

...Respondents

*(R4-IMPLEADED AS PER ORDER DATED 11.11.2024 IN
WMP.32693/2024 IN WP.28263/2024 BY PTAJ)*



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 3rd Respondents to consider petitioner representation dated 01.08.2024 and to allot alternate house site within a time frame fixed by the Hon'ble court.

For Petitioner : M/s.V.Gunasekar

For Respondents : M/s.M.R.Gokul Krishnan, A.G.P.
for R.1 & R2.
: M/s.Rita Chandrasekar
for R.3.
:M/s.Balu MuthuMeenan
for R.4.

ORDER

The writ petitioner seeks the following reliefs:-

"Directing the 3rd Respondents to consider petitioners' representation dated 01.08.2024 and to allot alternate house site within a time frame fixed by the Hon'ble Court."

2. It is the case of the petitioners that their mother Kanthaammal had purchased the subject property from one Siluvainesan under an unregistered sale deed and has been exercising rights as the absolute owner. The petitioners' mother had constructed a house and a shop in the subject property and the entire family was residing there. The Government



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had thereafter issued a patta in favour of the petitioners' mother in the year 1976 to an extent of 0.03 cents in S.No.117/2. The petitioners' mother had settled the subject property on the petitioners under a registered settlement deed dated 25.01.2016 registered as document no.371/2016. The petitioners have obtained water supply and electricity connection to the said property and have also been remitting the public outgoings without any delay.

3. While so, in May 2021, respondents 1 to 3 had visited the subject property and were surveying the same stating that the lands were proposed to be acquired for the Metro Railway Project connecting from Madavaram to Sholinganallur. Thereafter, the respondents were attempting to evict the petitioners. Therefore, the petitioners had made a representation claiming an alternate house site on 01.08.2024. However, the said representation has not been considered and thus aggrieved the petitioners are before this Court.

4. A counter has been filed by the 3rd respondent wherein the main defence taken is that the property in question did not belong to Kanthammal and they would submit that the revenue records does not



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reflect either her name or that of the petitioners and therefore without producing proof of possession they were not even entitled to compensation which has already been quantified.

5. Heard the learned counsels on either side.

6. Considering the above counter and the facts submitted in the affidavit, the Writ Petition is allowed, the 3rd respondent is directed to consider the representation of the petitioners dated 01.08.2024. The petitioners shall produce all the documents standing in their name to the 3rd respondent and the 3rd respondent shall consider the same, afford personal hearing and pass orders within a period of 12 weeks from the date of receipt of a copy of this orders. In case of rejection a speaking order shall be passed. No costs. Consequently, the connected Miscellaneous Petition is closed.

16.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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P.T. ASHA. J.,

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