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W.P.Nos.33685, 33424, 33860, 33688 and 33717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.33685, 33424, 33860, 33688 and 33717 of 2024
and W.M.P.Nos.36468, 36209, 36673, 36470 and 36507 of 2024

C.H.Kishore ... Petitioner in W.P.No.33685/2024

P.Vijayakumar ... Petitioner in W.P.No.33860/2024

P.R.Annamalai ... Petitioner in W.P.No.33717/2024

K.P.Vanaja ... Petitioner in W.P.No.33424/2024

N.Jayaraman ... Petitioner in W.P.No.33688/2024

VS.

1.The Director,
Tamilnadu University of Veterinary and Animal Science,
Madhavaram Milk Colony, Chennai 600 051.

2.The Commissioner,
Dairy Development Department,
Madhavaram Milk Colony,
Chennai 600 051.

... Respondents (in all WPs)

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned Letter No.4218/T/ka.vu.ka.mi/2024, dated 30.09.2024 issued by the 1st respondent and quash the same and consequently direct the 1st Respondent consider the Petitioners representation dated 12.09.2024 and thereby provide alternate



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accommodation to the petitioners.

For Petitioners : Mr.P.Babu (in all WPs)

For R1 : Mr.S.Vijayakumar
Senior Advocate
for M/s.J.Melwin Jabaz (in all WPs)

For R2 : Mr.V.Jeevagiridharan
Additional Government Pleader (in all WPs)

COMMON ORDER

These Writ Petitions are filed challenging the impugned letter issued by the 1st respondent in Letter No.4218/T/ka.vu.ka.mi/2024, dated 30.09.2024 directing the petitioners to receive compensation fixed for the petitioners for vacating the subject property and to vacate and handover possession of the subject property to the 1st respondent.

2. The petitioners have been permitted to put up cow sheds and to rear cows in the subject land belongs to the 1st respondent in Chennai city. Under the arrangement between the petitioners and the 2nd respondent, they have been given licence to put up cattle sheds for keeping their cattle in the subject land located in Madhavaram Milk Colony, Madhavaram, Chennai. The Milks produced by the petitioners were procured by the Diary Development Department and the cash payable on that account will be paid to the petitioners after deducting the licence fee/rent. The Government of



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Tamil Nadu transferred this Madhavaram Government Diary Farm, Cattle Colony and the fodder farm from the control of the 2nd respondent to 1st respondent. The 2nd respondent was allowed to retain the residential quarters and the cow sheds were brought under the control of the 1st respondent. Therefore, the petitioners in their capacity as License Holders have been enjoying the cow sheds and have been supplying milk to the 1st respondent. The petitioners received notice on 20.02.2023 from the 1st respondent that they should vacate the subject land wherein the cow sheds were standing. The said notice was challenged before this Court in W.P.No.19798 of 2023. The said writ petition was disposed of with a direction to the 1st respondent to consider the request of the petitioner for allotment of alternative land, in case there are vacant lands available with 1st respondent. Thereafter, the petitioners sent a representation to the respondents. However, the respondents without properly considering the same, issued impugned letter to the petitioners directing them to vacate premises and handover possession. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners submitted that it



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came to the knowledge of the petitioners that there are vacant lands available with the petitioners in Survey Nos.269, 272, 273, 274, 275, 276, 277, 278 and 224 to 241 in Madhavaram Milk Colony, Madhavaram Taluk, Thiruvallur District. The petitioners without considering allotment of said vacant lands as alternative sites to the petitioners, issued the impugned letter. Therefore, the same is in violation of the earlier direction issued by this Court.

4. The learned Senior Advocate appearing for the 1st respondent would submit that as per the direction issued by this Court in W.P.No.19798 of 2023, the representation of the petitioners for alternative site was considered and they were offered alternative site. However, the petitioners were not willing to accept the alternative site offered by the 1st respondent and therefore, the 1st respondent was constrained to issue impugned notice directing the petitioners to vacate the land by receiving the compensation fixed.

5. This Court in earlier writ petition filed by some of the similarly placed persons in W.P.No.19798 of 2023, dated 17.07.2023 passed the



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following order:-

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“5. The petitioners being the licencees, cannot over insist in staying where they are staying. But at the same time, if there are vacant lands available under the control of the first respondent, then their case may be considered, but at all times within the framework of law.”

6. A reading of the impugned letter would suggest that the petitioners were offered alternative site at a place called 'Koduvalli' in Thiruvallur District and the same has not been accepted by the petitioners. Therefore, the compensation payable to the petitioners for their cattle sheds has been fixed and they were directed to handover the possession to the 1st respondent.

7. It is seen from the typed-set of papers and the order passed by this Court in earlier writ petition in W.P.No.19798 of 2023, the subject land was acquired by Chennai Metro Rail Limited for development of Phase-II of the Metro Rail Project. Therefore, the petitioners, who are only licencees were directed to vacate and handover the possession to enable the 1st respondent to handover the subject land to Chennai Metro Rail Limited for development



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work. The petitioners are only licencees under the 1st respondent and they have no vested interest to insist continuation of their occupation. In fact, as per the direction issued by this Court, the request of the petitioners were considered and they were offered an alternative land by the 1st respondent, but the same has not been accepted by the petitioners.

8. The learned counsel appearing for the petitioners submits that the land of the 1st respondent available in Madhavaram Milk Colony shall be offered as an alternative site. The legal status of the petitioners is only a licencee and they are not entitled to claim alternative site as a matter of right. Even if the 1st respondent is prepared to offer alternative site out of sympathy, it is not open to the petitioners, who are only licencees to insist that only the lands selected by them shall be offered as alternative sites. The petitioners have no legal right to dictate to the 1st respondent with regard to the selection of alternative site.

9. Now, the compensation for the petitioners has been determined by the 1st respondent and the petitioners were directed to receive compensation and vacate premises. I do not think any of the legal rights of the petitioners



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are violated by the impugned letter dated 30.09.2024 issued by the 1st respondent and the 1st respondent is not under any legal obligation to offer the land selected by the petitioners as an alternative site.

10. In view of the same, the petitioners have not made out any case and accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

03.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The Director,
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Madhavaram Milk Colony, Chennai 600 051.

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S.SOUNTHAR, J.

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