



W.P.No.217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.217 of 2024

M.Ismail Gani

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. By its Secretary to Government,
Department of Revenue,
Secretariat,
Chennai – 600 009.

2. The District Collector,
Collectorate Building,
Rajaji Road,
Chennai 600 001.

3. The Tahsildar,
Velacherry Taluk,
Velacherry,
Chennai – 600 042.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Procs.No.A1/1054/2020 dated 21.07.2023 and to quash the same and consequently to direct the third respondent to allot



W.P.No.217 of 2024

the petitioner an alternative land in Survey No.317 or in any other place in Velacherry village, Chennai District as per the petitioner's representation dated 22.07.2019.

For Petitioner : Mr.G.Rajkumar

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Procs.No.A1/1054/2020 dated 21.07.2023 and to quash the same and consequently direct the third respondent to allot the petitioner an alternative land in Survey No.317 or in any other place in Velacherry village, Chennai District, as per the petitioner's representation dated 22.07.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



W.P.No.217 of 2024

WEB COPY

3. It is submitted by the learned counsel for the petitioner that the second respondent assigned lands to the occupants in the subject land by recognizing their long possession and patta was also issued in their favour and subsequently, the same was cancelled by the second respondent, vide order dated 17.04.1997. Thereafter, the Government recommended to give allotments to the affected families through Tamil Nadu Slum Clearance Board. Further contention of the petitioner is that the Hon'ble Division Bench of this Court in W.A.No.687 of 2018 has also stated that alternate lands have to be allotted to affected families. Despite the order of the Court, the third respondent had passed the impugned order dated 21.07.2023 rejecting the petitioner's representation without any valid reason. Hence the petitioner has filed the present writ petition to quash the impugned order.

4. Learned Special Government Pleader appearing for the respondents submitted that the petitioner is an encroacher and though patta was issued to the petitioner by mistake, later the same was cancelled. More than 350 members have challenged the same in



W.P.No.217 of 2024

W.P.No.12383 of 2004 and that came to be dismissed on 23.02.2018.

WEB COPY

Thereafter, appeal preferred by them before the Honourable Division Bench of this Court in W.A.No.687 of 2018 also dismissed on 19.12.2018. They went to Supreme Court also. This is the second round of litigation. Further, she submitted that there is deficiency of land to establish the Government Institution in the Chennai City. The Government spending huge money over land acquisition. No land is available within the Chennai City to establish the Government Institution.

5. Admittedly, the petitioner is an encroacher in the Government land. The patta issued in favour of the petitioner was cancelled. Since the petitioner was removed from the encroachment under due process of law, he is not entitled for the alternative site/land. Further, the petitioner is not in a position to say as to whether any other member has got the alternative site/land. The petitioner is not entitled to get any relief.



W.P.No.217 of 2024

WEB COPY

6. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs.

09.01.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The State of Tamilnadu,
Rep. By its Secretary to Government,
Department of Revenue,
Secretariat,
Chennai – 600 009.
2. The District Collector,
Collectorate Building,
Rajaji Road,
Chennai 600 001.
3. The Tahsildar,
Velacherry Taluk,
Velacherry,
Chennai – 600 042.



WEB COPY



W.P.No.217 of 2024

P.VELMURUGAN, J.

mfa

W.P.No.217 of 2024

09.01.2024