



WEB COPY



W.P. No. 26973 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 26973 of 2018
and
W.M.P. No. 31360 of 2018**

A.Srinivasan (Deceased)

1. S.Malliga

2. V.Jayashree

3. A.S.Madan Raj

(P1 to P3 substituted as LR's of the deceased sole
Petitioner vide order dated 29.02.2024 made in
W.M.P. No. 22243 of 2020 in W.P. No. 26973 of 2018)

... Petitioners

-VS-

1. The Managing Director,
Tamil Nadu Small Industries Development Corporation Ltd.,
Paulwell's Road, Kathipara Junction,
Chennai – 600 016.

2. The Branch Manager,
Tamil Nadu Small Industries Development Corporation Ltd.,
Administrative Block Building,
1st Floor, Ambattur Industrial Estate,
Ambattur, Chennai – 600 058.

3. The Tahsildar,
Ambattur.
(R3 suo motu impleaded as per order dated
03.01.2024 in W.P. No. 26973 of 2018)

... Respondents



W.P. No. 26973 of 2018

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to forthwith consider the allotment of vacant side adjoining T.S. No. 100 in occupation and possession by the Petitioner for regularization of the same at the land cost as proposed vide Second Respondent's communication made in Rc. No. 1609/A10/92 dated 14.12.2001.

For Petitioners	: Mr. L.Chandrakumar
For Respondents	: Mr. Sarath Babu for Mr. G.Sankar (for R1 & R2)
	Mr. S.J.Mohamed Sathik, Government Advocate (for R3)

ORDER

Heard Mr. L.Chandrakumar, Learned Counsel for the Petitioners and Mr. Sarath Babu, Learned Counsel for the First and Second Respondents and Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Since the Original Petitioner died on 04.07.2020 after the filing of the Writ Petition, his wife, daughter and son, viz., S.Mallika, Jayashree and A.S.Madhan Raj respectively, have been substituted as the Petitioners in the



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Writ Petition in his place by order dated 29.02.2024 in W.M.P. No. 22243 of 2020 passed by the Court.

3. The Original Petitioner had been allotted T.S. No. 100 by Proceedings in Ref. No. Rc. No. 235/A10/98 dated 10.09.1999, Industrial Estate, Ambattur, Chennai – 600058. The grievance ventilated by the Original Petitioner is that he had made representation dated 05.10.2018 for regularizing his occupation in terms of the letter dated 14.12.2001 for which he had given his concurrence by letter dated 25.12.2001 and in respect of which no further action has been taken by the Respondents, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. Learned Counsel for the First and Second Respondents submits that the said proposal is still under consideration along with the other similarly placed persons, and as and when any decision is taken, it would be communicated to the Petitioners then.

5. When it was pointed out that the Surveyor in his report dated 28.02.2024 to the Third Respondent has informed that the Petitioners are in unauthorized occupation of certain adjoining lands on the western side of the property,



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Learned Counsel for the Petitioners submits that the Petitioners does not have any claim in that regard and they would vacate from the premises immediately.

It is made clear that in the event of the Petitioners failing to vacate from that portion of the property, the Respondents are not precluded from taking further action in accordance with law.

6. In such circumstances, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 22.04.2024.

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To

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P.D. AUDIKESAVALU, J.

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