

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 23/12/2014

DATED: 02/12/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.6406 of 2014

and

M.P.No.2 of 2014

Dr.G.Sundhar Krishnan

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Fort St. George,
Chennai-600 009.
 - 2.The District Collector,
Kanchipuram District,
Kanchipuram.
 - 3.The Special Tahsildar (Land Acquisition),
MRTS Phase-II Extension Project,
Kanchipuram Unit, Thirumylai Railway Station,
Mylapore, Chennai-600 004.
 - 4.The Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur, Chennai.
 - 5.The Reliance Capital Limited,
No.10-A, Haddows Road, Nungambakkam,
Chennai-600 006.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records passed by the first respondent in G.O.Ms.No.84, Housing and Urban Land Development Department (UD3-2), dated 17.05.2011 and G.O.Ms.No.37, Housing and Urban Land Development Department (UD-3-2), dated 21.02.2012 and the Notifications published in the Government Gazette on 17.05.2011 and 21.02.2012 on the file of the respondents 1 to 3 herein in respect of the property at Door No.4, 21st Street, Balaji Nagar Extension, Madipakkam, Chennai, measuring an extent of 1 ground 1973 sq.ft. (4373 sq.ft) comprised in New

Survey No.26/13A2 and Old Survey No.25/9A2, corresponding to Old Survey No.26/13C of Madipakkam Village, Tambaram Taluk, Kanchipuram District (presently Sholingnallur Taluk) and to quash the same and consequently forbear the respondents from proceeding in any manner further based on the alleged acquisition proceedings.

For Petitioner : Mr.Om Prakash
For Mr.J.Nithayandan

For Respondents: Mr.M.S.Ramesh
Addl. Govt. Pleader for R1 to R4

Mr.K.Moorthy for R5

O R D E R

The petitioner has submitted that his property situated at Plot No.70, in Layout Plan PPD/LO No.69/86, dated 17.09.1986, at Door No.4, 21st Street, Balaji Nagar Extension, Madipakkam, Chennai measuring an extent of 1 ground 1973 sq.ft. (4373 sq.ft) comprised in New Survey No.26/13A2 and Old Survey No.25/9A2, corresponding to Old Survey No.26/13C of Madipakkam Village, Tambaram Taluk, Kanchipuram District (presently Sholingnallur Taluk) is absolutely owned by him and his wife Dr.Mrs.Kanthamani. They jointly purchased the said property in and by a Deed of Sale dated 15.07.2011 registered as Document No.3904 of 2011, on the file of the Sub Registrar Office, Velachery. The said property was conveyed in their favour by the erstwhile owner of the property Mr.P.Thiyagarajan, who had in turn purchased the same by way of Sale Deed dated 12.02.1988 registered as Document No.466 of 1988, on the file of Sub Registrar Office, Alandur from M/s.Balaji Nagar Government Employees Welfare and Housing Society. The said property was jointly purchased by him and his wife for a valid consideration of Rs.2.10 crores. They had infact availed a loan amount of Rs.2,00,95,000/- from the fifth respondent herein under a sanction letter dated 30.06.2011. The fifth respondent had paid a sum of Rs.1,96,91,486/- to their vendor, the said Mr.P.Thiyagarajan as part of the sale consideration by way of cheques bearing Nos.000681 to 000684, dated 30.06.211, drawn on HDFC Bank Ltd.

2. The petitioner has further submitted that his vendor, the above said Mr.P.Thiyagarajan was the absolute owner of the said property ever since from the date of his purchase in the year 1988 and had produced a patta in his name for the said property in Patta No.7585 issued by the then Head Quarters Deputy Tahsildar, Tambaram on 06.10.2003. The said property was purchased by him along with his wife as the bonafide purchasers for a valuable consideration after the fifth respondent herein had obtained due diligence in respect

of the title to the same by legal opinion, through their Advocates. Having been satisfied with the title, proclaimed by the Advocates of the fifth respondent herein, who had agreed to fund the substantial amount based on the credentials of petitioner and his wife, practicing Doctors, they had ventured to purchase the property. The fifth respondent confirmed the title to the property without any encumbrance over the same and they had acted in good faith and bonafide in purchasing the same. He is an ENT Doctor by profession and his wife Dr. (Mrs)Kanthamani is an Eye Doctor by profession. They are jointly running a hospital under the name and style of Krishna eye and ENT Hospitals at No.39, Burkit Road, T.Nagar, Chennai-17. They had purchased the said property with a fond hope of constructing a hospital with a residential unit for them to carry on their professional service. In terms of their wish and after purchasing the property, they had proposed to demolish the then existing structure and to construct a building to suit their needs for a hospital cum residence. Accordingly, they had obtained demolition permission from the Chennai Corporation by permit dated 04.09.2012. Prior to that, they had also obtained transfer of electricity and other service connection for the property changed to their names.

3. The petitioner has further submitted that on the purchase of the said property, he had also applied for mutation of revenue records for change of patta in the joint names of himself and his wife. After necessary survey of the property, mutation was done by the fourth respondent herein and they were given a patta for the said property purchased by them in patta No.11538. In terms of the patta, the land measuring 4737 sq.ft. is situated in Survey No.25/9A2 and 26/13A2 and they had also obtained copy of the patta on 30.07.2012 along with chitta extracts. After obtaining demolition permit for the building, they had ventured upon to proceed with the demolition. At this juncture, they were informed by the officials from the third respondent office that the said property is the subject matter of acquisition for the purpose of MRTS Phase-II Extension by the Government of Tamil Nadu and the necessary notifications have been issued by the respondents 2 and 3 herein on the orders of the first respondent. They were at loss to understand the said claim made regarding the property by the fourth respondent and as law abiding citizens, they stopped with further proposal for construction and sought to ascertain the facts. Their various attempts by running from pillar to post did not yield any potential results immediately. They were however informed by the fourth respondent herein that the original survey numbers had undergone certain changes and there is co-relation to the Old Survey numbers for the property owned by them. Hence, certificates dated 21.12.2012 were issued by the fourth respondent confirming the issuance of patta in their favour as well as co-relation of the survey numbers to the earlier survey numbers.

4. The petitioner has further submitted that in December 2012, he was contacted over phone by the Officials of the third respondent and was asked to attend a meeting on 31.12.2012. The said meeting was pursuant to a notice after much difficulties, they were able to lay their hands on a copy of notice during February 2013 said to have been issued under Section 9(3) and Section 10 of the Land Acquisition Act, wherein, enquiry was fixed on 31.12.2012 by the third respondent herein at Thirumylai Railway Station Building, between 10 a.m. to 4 p.m and the property in Survey No.26/13A2 was shown in the schedule to the notice. It was shockingly found that in the said notice, the landowners name was provided as Balaji Nagar Government Employees Welfare and Housing Society. Nothing came out in the said meeting worthwhile to mention. The Officials of the respondents 3 and 4 were not able to even confirm that their property was acquired. They were asked to contact the concerned officials. Since they became aware of the said notice much later, they were not able to attend for any enquiry as called for in the said notice. Further, no other details were also provided in respect of the enquiry said to have been conducted on 31.12.2012. On their further personal visits to the office of the fourth respondent herein, they were also informed that the property owned by them had been in fact acquired long back and the compensation was also determined on the same and therefore, they do not have any right to seek for any claim on the said land. Though the said notice proceeds on the basis that the Government contemplated acquisition of the land for the Mass Project, the contra facts states that the acquisition had already been completed.

5. The petitioner has further submitted that in such circumstances, he met the second respondent in person and submitted his representation dated 08.04.2013, seeking for resolution in respect of his ownership and title to the said property vested in him. In response to his representation, the second respondent had addressed a letter dated 08.04.2013 to the fourth respondent herein under copy to him seeking for a report as to the actual status of site with extent, boundary and ownership details. However, even thereafter nothing was forthcoming. In the meanwhile since he was not able to proceed with the proposed construction of a hospital cum residence, for which purpose he had purchased the property, he had also requested his lender to defer the loan obligations as he was paying a huge amount by way of monthly EMIs. As the project did not materialise, he did not have any sufficient fund flow and hence was not able to comply with the demands of his lender, the fifth respondent herein. The petitioner had primarily purchased the property on the basis of the assurance of the fifth respondent who had obtained legal opinion for the subject property through their Advocate. Since no issue of title was reported and the property was free from all

encumbrances, he had ventured to invest such a huge amount. Therefore, he also informed the fifth respondent that they would also be held responsible for the situation that he has been put to. However, the fifth respondent herein had initiated recovery measures on the ground that he had failed to pay the EMIs. The petitioner has been making all his efforts to lay his hands on the actual and factual situation in respect of the property and the so called acquisition proceedings. After spending months together and after approaching other Government Offices by running from pillar to post, he came to know that the first respondent had invoked urgency provisions under the Land Acquisition Act and a notification under Section 4(1) of the Act, r/w Section 17 came to be published in the Government Gazette on 17.05.2011 pursuant to G.O.Ms.No.84, Housing and Urban Land Development Department (UD3-2), dated 17.05.2011. Under the said notification, Manavari dry lands in Survey No.26/13A2 said to be owned by the said Balaji Nagar Government Employees Welfare Housing Society, measuring an extent of 0.05.7 hectares was included in the acquisition proceedings for the purpose of implementation of the Mass Rapid Transit System Railway Station for Puzhithivakkam and St.Thomas Mount. The said notification seems to have also been carried out in the newspapers. Further, on 21.02.2012, declaration under Section 6 of the Act with Section 17(1) was issued and published in the Government Gazette, in respect of the very same property. The said notification was published pursuant to G.O.Ms.No.37, Housing and Urban Land Development Department (UD-3-2), dated 21.12.2012. It also appears that the said notification was also carried in the newspapers. He was able to obtain copies of the said Government Orders and Gazette Notifications and confirmed about the said facts. It was also seen that the first respondent herein by proceedings dated 30.11.2012 had fixed the land value at Rs.1010/- per sq.ft. on the recommendation of the second respondent herein as acquisition cost for the lands under the said project. The petitioner did not have any access for further details as to the compensation arrived at or proceedings relating to taking of possession of the said property.

6. The petitioner has further submitted that the perusal of the said notifications referred to above clearly show that the acquisition had been proceeded with on the basis that the subject property was owned by the said Balaji Nagar Government Employees Welfare Housing Society. On the other hand, the said land had long back been plotted into house site plots, after obtaining approval from the concerned Government Authorities and also sold to its members. There had been various mutations of revenue records in favour of the subsequent purchasers of the plots. It was apparent that the acquisition had been proceeded wrongly and on the presumption that the property was owned by the said society. No notice

whatsoever has been served on the lawful owner of the property, who had a valid and marketable title. It was also further established that in terms of the sanction, the person in possession has not been put on notice and no possession of the property had been taken from them. As such, the petitioner has stated that there was a gross illegality in the entire measures taken for the acquisition of the property and the proceedings have to be declared null and void for non-service of notice and non compliance of the statutory provisions. By the said acquisition proceedings, he has been put to serious prejudice and hardship as he had purchased the property as the bonafide purchaser in good faith without being aware of the acquisition. As could be seen from the sale price paid by him for the property, the property is valuable and the acquisition defeats his right over the property. Even after so-called acquisition proceedings, mutation of revenue records have been done and patta was issued in their favour which goes to show clearly that the acquisition was not in accordance with law and only remained in paper. The petitioner has further submitted that till date he has been in continuous possession of the property and as a matter of fact, the MRTS Project has proceeded including the establishment of Railway Station stated as a reason for the acquisition. It was therefore apparent that the land owned by him and his wife which continues in their possession was not required for the acquisition and on the acquisition being set-aside, there will not be any hindrance to the execution of the said project.

7. The petitioner has further submitted that the act of the respondents 1 to 3 herein in acquiring the property viz., Plot No.70, Door No.4, 21st Street, Balaji Nagar Extension, Madipakkam, Chennai, under the Land Acquisition Act for the purpose of MRTS Project, Phase-II Extension by the Government of Tamil Nadu is liable to be set-aside as the same is vitiated in so far as the petitioner is concerned. There is no proper compliance of the statutory provisions as Section 4 (1) and 6(1) Notifications had been issued not against the actual owner of the property and there is no proper possession being taken. The petitioner had acquired title to the property by a valid document and entitled for the ownership of the same. Section 4(1) and 6(1) Notifications pursuant to G.O.Ms.No.84, Housing and Urban Land Development Department (UD3-2) dated 17.05.2011 and G.O.Ms.No.37, Housing and Urban Land Development Department (UD-3-2), dated 21.12.2012 published in the Government Gazette on 17.05.2011 and 21.12.2012 respectively are in violation of the mandatory requirements of the statute and the same is nothing but an arbitrary exercise of power, depriving their bonafide and valuable rights of the property in question.

8. The petitioner has further submitted that the respondents 1 to 3 have not taken possession of the said

property pursuant to the said acquisition proceedings. Now, the respondents 1 to 3 may take steps to dispossess him from the property and vest the same in Government. The threat of dispossession is apparent and therefore, it is just and necessary to safeguard his interest, the acquisition proceedings being vitiated in law and the same are liable to be set-aside in so far as the petitioner is concerned. Hence, the petitioner has filed the above writ petition.

9. The first respondent has filed a counter affidavit and has submitted that the first phase of the Mass Rapid Transit System (MRTS) from Chennai Beach to Thirumylai for a length of 8.55 km was taken up for implementation by Government of India through the Ministry of Railways in 1983-84. The project has been completed and commissioned in October 1997. The Government of Tamil Nadu on their part made available 19.68 hectare of Government land and 0.54 hectare of private land and handed over the same to Railways free of cost. The development of MRTS Phase-II Project from Thirumylai to Velachery was implemented through the Metropolitan Transport Project (Railways) (MTP)(R), jointly funded by the Government of India and Government of Tamil Nadu. The project commenced in March 1998 and fully commissioned on 19.11.2007. The MTP (R) has entered upon all the Government land including ULC acquired land. Alienation of Government land in Chennai District and acquisition of private land and alienation of Government land in Kancheepuram District are in different stages of progress. The first respondent further submits that with the objective of completing a rail loop, the MRTS Phase II Project has been extended from Velachery to St. Thomas mount for a distance of 5 km. The work on the composite corridor has been recommended in April 2008 and is in progress. The LA Cell for acquiring the land required for the rail-only segment and for the two RTS Stations, viz., Adambakkam and Puzhuthivakkam has been set up on November 2009. The lands / structures affected by the rail-only alignment have been notified in February 2011 invoking the urgency clause of the Land Acquisition Act.

10. The first respondent has further submitted that the requisition body, the MTP(R) has furnished the requirement of land for the construction of station building at Puzhuthivakkam. The Revenue scrutiny records was obtained from the Sub-Inspector of Survey, Sholinganallur Taluk Office which includes the extract of 'A' register, computerized patta, chitta, adangal and field measurement sketches. The notification under Section 4(1), invoking urgency provision under Section 17(2) of the Land Acquisition Act, 1894 for the acquisition of land and structures for the formation of Puzhuthivakkam Railway Station has been issued by the Government in G.O.Ms.No.84, Housing and Urban Development Department, dated 17.05.2011. The number of properties

notified under this notification are 14, covering a total extent of 0.48.9 Ha. (4890 sq.m) in Madippakkam Village and in Adambakkam Village number of properties under this notifications are 19 covering a total extent of 3572.6 sq.mt. The land in S.No.26/13A2, to an extent of 570 sq.m. classified as Manavari, dry has been notified in the G.O.Ms.No.84, Housing and Urban Development Department dated 17.05.2011 in the registered holder name of Balaji Nagar Government Employees Welfare Housing Society. The above property was one among the other properties notified in the said Government Order. Old S.No.26/4 was subsequently made 26/13A, 13A1 and 13A2. There is no classification as 26/13c as shown in the sale deed of the petitioner. There is no subdivisions 26/13c with Government records at the time of notification.

11. The first respondent has further submitted that in the declaration notification under Section 6 of the Land Acquisition Act, the land in S.No.26/13A2, to an extent of 570 sq.mt. classified as manavari, dry has been notified in the registered holder name of Balaji Nagar Government Employees Welfare Housing Society. The Government issued the notification vide G.O.Ms.No.37, Housing and Urban Development Department, dated 21.02.2012. Considering the public need and the urgency, the lands were acquired invoking urgency clause. All the steps as per the law was followed and the acquisition was proper and valid. The petitioner purchased the property after the notification under Section 4(1) of the Land Acquisition Act, 1894. The notification has been issued by the Government vide G.O.Ms.No.84, Housing and Urban Development Department, dated 17.05.2011. The contention of the petitioner was that the erstwhile owner one Mr.Thiyagarajan purchased the property from the Balaji Nagar Government Employees Welfare Housing Society in the year 1988. However, the erstwhile owner has not changed the revenue records in his favour. In the patta, chitta and adangal obtained from the Tahsildar, Sholinganallur Taluk, shows that the land in S.No.26/13A2 is in the name of Balaji Nagar Government Employees Welfare Housing Society and not in the name of the erstwhile owner. Since the petitioner purchased the property only after the notification under the Land Acquisition Act, in the ownership details furnished by the Tahsildar, Sholinganallur Taluk the details of the transaction was not revealed. The patta, chitta and adangal obtained from the Tahsildar, Sholinganallur Taluk, shows that the land in S.No.26/13A2 is in the name of Balaji Nagar Government Employees Welfare Housing Society and not in the name of the petitioner. Since the petitioner has purchased the property after the notification, the same is void and the petitioner has no locus standi to challenge the acquisition.

12. The first respondent has further submitted that the procedure laid down in the Land Acquisition Act has been followed scrupulously after the issue of declaration

notification under Section 6 of the Land Acquisition Act, notices were issued to conduct the award enquiry under Section 9(3) and Section 10 of the Land Acquisition Act. The pattta, chitta and adangal obtained from the Tahsildar, Sholinganallur Taluk, shows that the land in S.No.26/13A2 is in the name of Balaji Nagar Government Employees Welfare Housing Society and not in the name of the petitioner. The first respondent has further submitted that the land cost was fixed by the Commissioner of Land Administration and not by the Secretary to the Government in Housing and Urban Development Department. The first respondent has further submitted that the notifications were issued only on the ownership details collected from the Tahsildar, Sholinganallur Taluk. The valuation for the property was worked out only as per the procedure laid down in the Land Acquisition Act. The first respondent has further submitted that the procedure laid down in the Land Acquisition Act has been followed scrupulously after the issue of declaration notification under Section 6 of the Land Acquisition Act, notices were issued to conduct the award enquiry under Section 9(3) and Section 10 of the Land Acquisition Act. The notification under Section 4(1), invoking urgency provision under Section 17(2) of the Land Acquisition Act, 1894 for the acquisition of land and structures for the formation of Puzhuthivakkam Railway Station has been issued by the Government in G.O.Ms.No.84 Housing and Urban Development Department dated 17.05.2011. Whereas the petitioner purchased the property only after the said notification. Moreover, as per the Revenue records obtained from the Tahsildar, Sholinganallur Taluk, the property in S.No. is in the name of Balaji Nagar Government Employees Welfare Housing Society. Hence, the first respondent entreats the Court to dismiss the above writ petition.

13. The fifth respondent has filed a counter affidavit and resisted the above writ petition. The fifth respondent has further submitted that the relief sought for by the petitioner in this writ petition, challenging the Land Acquisition Proceedings is only against the respondents 1 to 4 and not against this respondent. The fifth respondent has further submitted that the role of the fifth respondent in the above writ was that it has sanctioned mortgage loan to the petitioner vide loan agreement No.RHHLCHE000009671 on 30.06.2011 for a sum of Rs.2,00,95,000/-. The fifth respondent has further submitted that the petitioner is due and liable to pay a sum of Rs.2,00,95,000/-, towards the amount financed along with finance charges of Rs.1,98,88,400/-, all totalling to a sum of Rs.3,99,83,400/- in 180 installments of Rs.2,22,130/- were due for payment on or before 5th day of every month commencing from 05.08.2011 to 05.03.2026. The fifth respondent has further submitted that the mortgage loan was sanctioned only against the security of the property and hence any compensation if at all is awarded by the third respondent

pertaining to the subject property, the petitioner has no legal right to enjoy the same as the property has been duly secured under a valid contract in favour of this respondent by way of mortgage. The fifth respondent has further submitted that he has already sent a representation to this effect to the third respondent on 27.01.2014 regarding the disbursement of compensation.

14. The fifth respondent has further submitted that the said property was purchased by the petitioner as the bonafide purchaser for the valuable consideration after the fifth respondent herein had obtained due diligence in respect of the title to the same by legal opinion, through their advocates. The fifth respondent has further submitted that there is no legal opinion given by this respondent to the petitioner and the scrutinization of the documents alone was done by this respondent from the documents furnished by the petitioner. The fifth respondent had sanctioned the mortgage loan based on the assurance that the subject property was free from any encumbrance and as such, it was made clear that the petitioner had suppressed the said Land Acquisition Proceedings to this respondent. The contention of the petitioner was that he had primarily purchased the property on the basis of then assurance of the fifth respondent who had obtained legal opinion for the subject property through their advocates. This respondent in the capacity as 'Lendor' could only scrutinize the documents submitted by the petitioner and had never acted in the capacity as legal adviser to furnish legal opinion regarding the title of the property. The creation of valid mortgage on the subject property supported with a legally enforceable contract would clearly demonstrate the onus on the part of the petitioner in this regard. In short, this respondent did not give any legal opinion to purchase the subject property. Therefore, this respondent vehemently denied the statement made by the petitioner that this respondent would also held responsible for the situation and the said statement is tainted with malafide without any legal basis.

15. The fifth respondent further submits that this respondent reserves it right to initiate legal steps in terms of the agreed contract for the defaults made by the petitioner and also to move with the other respondents in the manner known to law for withdrawal of compensation for the subject property if any deposited already are to be deposited in later periods. The fifth respondent further submits that the other averments made in the affidavit filed in support of the writ petition are relating to the Land Acquisition Proceedings which are relating to the first to fourth respondents and not against the fifth respondent. Hence, the fifth respondent entreats the Court to dismiss the above writ petition.

16. The learned counsel appearing for the petitioner has submitted that he and his wife have jointly purchased the subject land under a registered Sale Deed, dated 15.07.2011, from one Thiagarajan, who had purchased the same from M/s.Balaji Nagar Government Employees Welfare and Housing Society, under a Sale Deed, dated 12.02.1988. The petitioner had availed loan from the fifth respondent herein. The Law Officer attached to the fifth respondent had given legal opinion stating that the erstwhile owner possessed valuable marketable title deeds. The petitioner and his wife are Practicing Doctors and they intend to construct a Hospital with residential house attached in the said land. After purchasing the said land, the petitioner has obtained Patta from the Revenue Authorities. Further, all the relevant records have been mutated in the name of the petitioner and his wife.

17. Further, the learned counsel has submitted that the petitioner had started construction works and at that point of time, the third respondent informed the petitioner that the subject lands were acquired for the purpose of Mass Rapid Transit System. Further, the Tahsildar, Sholinganallur Taluk had issued Patta in the name of the petitioner and his wife. Further, the respondents 3 and 4 had conducted a meeting, on 31.12.2012, wherein they were unable to confirm that the subject land had been acquired for the said purpose only. In such circumstances, the petitioner made a representation to the District Collector, who in turn had addressed a letter to the fourth respondent seeking for a report as to the actual status of the land. Subsequently, there was no progress on the said proceedings. Now, the petitioner has been remitting the monthly installments to the fifth respondent for the loan availed by him in respect of the said land. Further, the petitioner came to know that the first respondent had invoked urgency provisions under the Land Acquisition Act and issued a notification. But, the petitioner and his wife had not received any notice. The petitioner is possessing valuable title deeds. Hence, the learned counsel has prayed this Court to set aside the impugned notification.

18. The learned Additional Government Pleader appearing for the respondents 1 to 4 has submitted that the first respondent had passed a Government Order, dated 17.05.2011, to acquire the petitioner's lands and other lands for the development of Mass Rapid Transit System. The project had been commenced during 1998. M.R.T.S.Phase-II Project had been extended from Velacherry to St.Thomas Mount for a distance of five kilometers. The work on the composite corridor had been commenced in the month of April, 2008. Land, which had been required for the two rapid transport system stations, namely, Adambakkam and Puzhuthivakkam, had

been set up in the month of November, 2009. The lands / structures affected by the rail-only alignment had been notified in February 2011 invoking the urgency clause of the Land Acquisition Act. The subject land has been classified as dry land. The first respondent acquired an extent of 570 sq.meters of land. The relevant records reveal that the said land stands in the name of M/s.Balaji Nagar Government Employees Welfare and Housing Society. The said land had been acquired for the public need. The erstwhile owner had not changed the title in his name, as such the shortcoming is on the side of the erstwhile owner and the petitioner herein. Hence, the Land Acquisition Officer is not responsible. The Land Acquisition Officer has followed the Land Acquisition Act scrupulously. However, the compensation had been addressed in the name of the owner of the lands. Hence, the writ petition is not maintainable.

19. The learned counsel appearing for the fifth respondent, who is a formal party, has submitted that the petitioner has availed loan of Rs.3,99,83,400/- from the fifth respondent. The same has to be repaid in 180 equal monthly installments. The said loan amount has been sanctioned against the mortgaged property. However, the petitioner had purchased the said property, after verifying the title deeds pertaining to the property. The fifth respondent had obtained legal opinion from the competent Advocate. Likewise, the petitioner had also purchased the property after obtaining legal opinion from the competent Advocate.

20. On considering the current factual position of the case, arguments advanced by the learned counsels on either side and on perusing the typed set of papers, this Court is of the view that the third respondent had acquired an extent of 4890 sq.meters of land in Madippakkam Village, 3572.6 sq.meters of land in Adambakkam Village after invoking urgency provisions of the Land Acquisition Act for the purpose of Mass Rapid Transit System. M.R.T.S.Phase-II Project has been extended from Velacherry to St.Thomas Mount. The said project is of paramount importance for the general public. Further, Award had also been passed in respect of the acquired lands. In such circumstances, the writ petition is liable to be dismissed.

21. In the result, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

r n s / krk

To:

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Fort St. George,
Chennai-600 009.

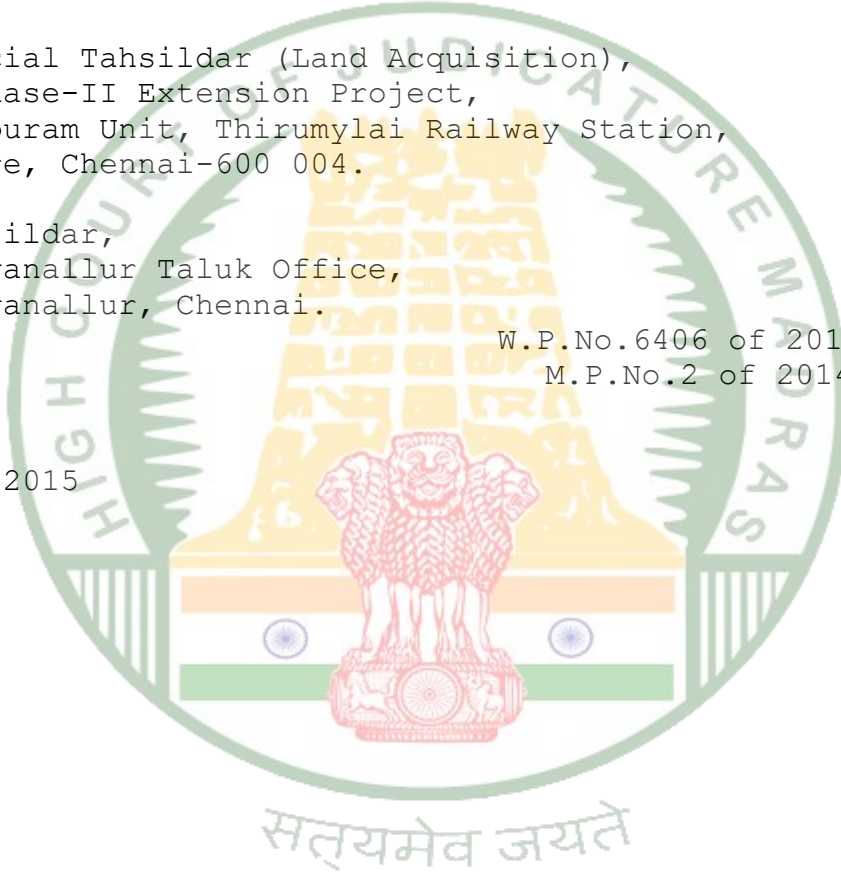
2.The District Collector,
Kanchipuram District,
Kanchipuram.

3.The Special Tahsildar (Land Acquisition),
MRTS Phase-II Extension Project,
Kanchipuram Unit, Thirumylai Railway Station,
Mylapore, Chennai-600 004.

4.The Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur, Chennai.

W.P.No.6406 of 2014 &
M.P.No.2 of 2014

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