

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-02-2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

Writ Petition No. 30821 of 2014

V. Kalarani

.. Petitioner

Versus

1. State of Tamil Nadu
rep. by the Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai - 600 009
2. The District Collector
Kancheepuram
3. The Land Acquisition Officer cum Special
Tahsildar
MRTS II Extension, Mylapore
Chennai - 600 004
4. The Chief Engineer
MRTS/MTP Southern Railway
Egmore, Chennai - 600 008

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents herein, their men, servants or agents or any one claiming under them from in any manner interfering with or demolishing the construction of the petitioner in respect of the lands of an extent of 1040 square feet in New Survey No. 66/1 part, new Sub Division No. 3/8/2 in Adambakkam Village, Alandur Municipality, Kancheepuram District.

For Petitioner : Ms. A.L. Ganthimathi

For Respondents : Mr. S. Gunasekaran

Government Advocate for RR1 to 3

Mr. P.T. Ramkumar for R4

ORDER

Heard the counsel for the parties and perused the materials placed on record. The third respondent - Special Tahsildar is present in the Court. Admittedly, the land admeasuring 1040 square feet in New Pimash No. 633, 634 and 635 and New Survey No.66/1 in Adambakkam Village, Kancheepuram District owned by the petitioner was not the subject matter of the acquisition proceedings initiated

by the respondents for the purpose of extension II of Mass Rapid Transit System. This fact is not disputed by the revenue department or the Railways. Therefore, unless and until the said land is acquired from the petitioner, which can either be by private negotiation or by compulsory acquisition, the petitioner's possession cannot be disturbed by the respondents.

2. The learned counsel for the fourth respondent would submit that already the project is delayed because of several interim orders granted by this Court. In one such case, the Honourable Division Bench of this Court issued direction to expedite the project. However, inspite of the steps taken by the fourth respondent, the project could not be completed due to the non-cooperation of the Special Tahsildar, who refuses to extend his cooperation to the fourth respondent.

3. The Special Tahsildar, who is present in the Court, had instructed the learned Government Advocate appearing for the respondents 1 to 3 only to take an adjournment for filing a counter in this case. The manner in which the revenue extended the cooperation to the respondents/Railways to complete the project is not appreciable and it has to be deprecated. The project undertaken by the fourth respondent - Railways viz., Mass Rapid Transit System is an important project aimed to ease the traffic congestion of the commuting public in Chennai. The extent of land involved in the present case is 1040 square feet of land owned by the petitioner. According to the fourth respondent, the extent of land owned by the petitioner is immediately required for completion of the project. Under such circumstances, the State has to enter into a private negotiation with the land owner - petitioner so that the project could be completed on a war-footing. In the above circumstances, the writ petition is disposed of with an observation that the petitioner's possession shall not be disturbed till such time her land is acquired either by resorting to private negotiation or by compulsory acquisition. In this regard, the third respondent - Special Tahsildar is directed to cooperate with the Railways Department and take appropriate action as required by the fourth respondent - Railways within a period of three weeks from the date of receipt of a copy of this order. If no action is taken by the third respondent within the period stipulated, the first respondent is directed to initiate departmental proceedings against the third respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Secretariat, Fort St. George
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2. The District Collector
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3. The Land Acquisition Officer cum Special
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4. The Chief Engineer
MRTS/MTP Southern Railway
Egmore, Chennai - 600 008

1 cc to Ms. A.L. Ganthimathi ,Advocate, SR.No.6879

1 cc to Mr. P.T. Ramkumar,Advocate, SR.No.6829

1 cc to Government Pleader,Sr.No6940

WP No. 30821 of 2014

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