

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.10626 of 2015
and
M.P.No.1 of 2015

1. Mrs.Gowri
2. Mr.Ramesh Kumar
3. Mr.Murali

...Petitioners

Vs.

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The District Revenue Officer,
Land Acquisition, Outer Ring Road Project,
C.M.D.A. Koyambedu,
Chennai-600 092
3. The Special Tahsildar,
Land Acquisition, Outer Ring Project,
C.M.D.A. Koyambedu,
Chennai-92.
4. The Special Tahsildar (LA),
Chennai Outer Ring Road,
Poonamallee at Nazarthpettai,
(Beside Government High School).

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's representation, dated 05.03.2015, sent by Registered Post, by directing the respondents not to act arbitrarily by illegally dispossessing the petitioners from the property measuring an extent of one acre of land at No.17, Thandarai Village at Survey No.352, or in the alternative, to award just and equitable compensation as per the Right to Fair Compensation

and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For petitioners : Mr.David Tyagaraj
For respondents : Mr.V.Jayaprakash Narayanan,
Spl.G.P.

ORDER

The petitioners have filed this Writ Petition seeking for issuance of a Writ of Mandamus to direct the respondents to dispose of the representation, dated 05.03.2015 (sent by Registered Post) by directing the respondents not to act arbitrarily by illegally dispossessing the petitioners from the property measuring an extent of one acre of land in No.17, Thandarai Village, Survey No.352, or in the alternative, to award just and equitable compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. It is the case of the petitioners that they have been in possession of the said property and cultivating the said extent of one acre of land from 1977 onwards; the petitioners and their ancestors have been paying the tax in respect of the said property. Even on 25.02.2015, the property tax had been paid in the name of the first petitioner's husband, and the copy of receipt dated 25.02.2015 enclosed in the typed set of papers, shows the names of the all the petitioners. It is the further case of the petitioners that since the respondents are trying to evict them, they have preferred the said representation, dated 05.03.2015 to the respondents seeking for compensation, if the land is acquired under the new Land Acquisition Act, i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As the said representation has not been considered, the petitioners have filed this Writ Petition for the relief stated above.

3. Heard both sides and perused the material documents available on record.

4. If the petitioners or their ancestors, are/were in possession of the property in question, and if the said property is a Government land as alleged by the petitioners, and if the same is found to be correct, then the appropriate remedy for the respondents is to invoke the provisions of the Tamil Nadu Land Encroachment Act. If at all the

respondents intend to take possession of the property in question, they shall take appropriate steps by invoking the provisions of the relevant Act/Rules.

5. Be that as it may, the respondents shall consider the said representation, dated 05.03.2015, of the petitioners, on merits and in accordance with law, and dispose of the same, at the earliest. Till such time the said representation is disposed of or till such time the respondents invoke the provisions of the said Tamil Nadu Land Encroachment Act, whichever is earlier, the petitioners shall not be evicted/dispossessed without following due process of law in respect of the property in question.

6. With the above observations and directions, the Writ Petition is disposed of. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The District Collector,
Thiruvallur District,
Thiruvallur.
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C.M.D.A. Koyambedu, सत्यमेव जयते
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(Beside Government High School).

1 CC to Mr.David Tyagaraj, Advocate SR.No. 46450

1 CC to the Government Pleader, SR.No. 46872

W.P.No.10626 of 2015

KJI (CO)
PSI (11.09.2015)



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