

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.10745 of 2010 &

M.P.No. 1 of 2015

Thiyagi Kundrathur Nagalingam and
Sankariammal Charitable Trust,
Rep. By its Managing Trustee,
J.Paulraj,
No.2, Mudichur Road,
West Tambaram,
Chennai - 600 045.

.... Petitioner

v.

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Kancheepuram District,
Vandhavasi Road,
Kancheepuram.

3.The Special Tahsildar,
Land Acquisition Highways,
Alandur Municipality Campus,
Alandur, Chennai - 600 016.

4.The Thasildar,
Tambaram Taluk,
Tambaram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, forbearing respondents, their men, agents or subordinates or any others from in any manner evicting the petitioner from the portion of land to the extent of 176.sq.mtr. out of 16 cents in S.No.325/1C2B at No.2, Mudichur Road, West Tambaram, Tambaram Taluk, Kancheepuram District unless under due process of law.

For petitioner : Mr.V.Bhiman

For Respondents : Mr.V.Subbiah,
Special Government Pleader

ORDER

The petitioner-trust has filed the above writ petition to issue a writ of mandamus, forbearing the respondents from in any manner evicting the petitioner from the portion of the land to the extent of 176.sq.mtr. out of 16 cents in S.No.325/1C2B at No.2, Mudichur Road, West Tambaram, Tambaram Taluk, Kancheepuram District, except under due process of law.

2. It is the case of the petitioner, that the respondents are proceeding with the acquisition proceedings even without giving any opportunity to the petitioner-trust. On enquiry, the petitioner-trust came to understand that the respondents have decided to evict the land owners from the lands acquired.

3. It is needless to say that the principles of natural justice have to be followed in the strict sense and that the petitioner-trust should be put on notice prior to taking any action against them for taking possession of the property.

4. Mr.V.Subbiah, learned Special Government Pleader represented that the respondents may be directed to give notice to the petitioner-trust prior to evicting them from the land. Further, the learned Special Government Pleader submitted that the compensation amount for the land and structures are readily available and on producing the ownership documents, the Special Tahsildar, IRR Scheme, No.1, New Street, Alandur Municipal Buildings, Chennai - 600 016, will disburse the payment to the land owners/petitioners.

5. Since the petitioner-trust was not put on notice with regard to the averments stated by the learned Special Government Pleader with regard to the compensation, the learned counsel appearing for the petitioner submitted that he is not in a position to answer the contention put-forth by the learned Special Government Pleader.

6. In any event, since the respondents are taking steps to evict the petitioner-trust from the land without giving any opportunity, the same is against the principles of natural justice. Therefore, the respondents are directed to evict the petitioner-trust by issuing notice to them and in accordance with law.

7. With this observation, the writ petitioner is allowed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

Dated:9.3.15

True Copy

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

To

1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Kancheepuram District,
Vandhavasi Road,
Kancheepuram.

3.The Special Tahsildar,
Land Acquisition Highways,
Alandur Municipality Campus,
Alandur, Chennai - 600 016.

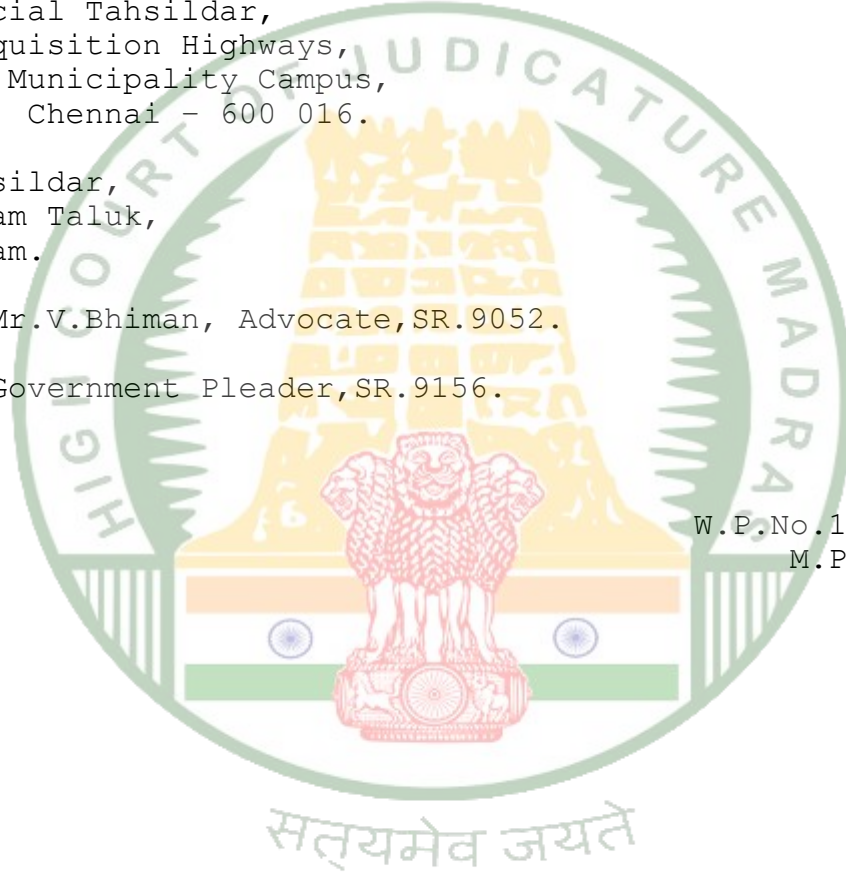
4.The Thasildar,
Tambaram Taluk,
Tambaram.

+1 cc to Mr.V.Bhiman, Advocate,SR.9052.

+1 cc to Government Pleader,SR.9156.

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