

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON : 22/12/2014

DATED : 03/07/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.Nos.19689 of 2014 to 19698 of 2014 &
W.P.Nos.19525 to 19530 of 2014 &
W.P.Nos.19655 to 19663 of 2014 &
W.P.Nos.20173 to 20177 of 2014 &
W.P.Nos.20164 to 20166 of 2014 &
W.P.Nos.20088 to 20096 of 2014 &
W.P.Nos.20015 to 20019 of 2014 &
W.P.Nos.19461, 19483 to 19491 of 2014 &
W.P.Nos.20211 to 20218 of 2014 &
W.P.Nos.20490 of 20501 of 2014 &
W.P.Nos.20230 and 20231 of 2014

1.K.Elumalai	...	Petitioner in	Wp 19689/14
2.M.Devi	...	Petitioner in	Wp 19690/14
3.M.Durai	...	Petitioner in	Wp 19691/14
4.O.shanmugam	...	Petitioner in	Wp 19692/14
5.J.Srinivasan	...	Petitioner in	Wp 19693/14
6.Raman	...	Petitioner in	wp 19694/14
7.Raja Sankaralingam	...	Petitioner in	wp 19695/14
8.Muthukumar	...	Petitioner in	wp 19696/14
9.Durai Raj	...	Petitioner in	wp 19697/14
10.Jayakumar	...	Petitioner in	wp 19698/14
11.Panchatcharam	...	Petitioner in	wp 19525/14
12.G.Sridhar	...	Petitioner in	wp 19526/14
13.Ravi	...	Petitioner in	wp 19527/14
14.G.Radhakrishnan	...	Petitioner in	wp 19528/14
15.Paramasivam	...	Petitioner in	wp 19529/14
16.G.Murali	...	Petitioner in	wp 19530/14
17.K.Bhaskar	...	Petitioner in	wp 19655/14
18.G.Boopathy	...	Petitioner in	wp 19656/14
19.Pichaimani	...	Petitioner in	wp 19657/14
20.K.Mohanavel	...	Petitioner in	wp 19658/14
21.D.Babu	...	Petitioner in	wp 19659/14
22.S.Krishnan	...	Petitioner in	wp 19660/14
23.S.L.Vishnumukundhan	...	Petitioner in	wp 19661/14
24.Pushpa	...	Petitioner in	wp 19662/14
25.D.Murali	...	Petitioner in	wp 19663/14
26.Aruna Karthikeyan	...	Petitioner in	wp 20173/14
27.P.Palaniyayi	...	Petitioner in	wp 20174/14
28.Srivithyadevi	...	Petitioner in	wp 20175/14
29.N.Visalachi	...	Petitioner in	wp 20176/14

30.V.Srinivasan	...	Petitioner	in	wp	20177/14
31.G.N.Somasundaram	...	Petitioner	in	wp	20164/14
32.N.Jagadeeswari	...	Petitioner	in	wp	20165/14
33.S.Balasundaram	...	Petitioner	in	wp	20166/14
34.S.Raviprakash	...	Petitioner	in	wp	20088/14
35.R.Dharmaraj	...	Petitioner	in	wp	20089/14
36.V.Baskaran	...	Petitioner	in	wp	20090/14
37.Krishnamoorthy	...	Petitioner	in	wp	20091/14
38.J.Manohar	...	Petitioner	in	wp	20092/14
39.Gomathi	...	Petitioner	in	wp	20093/14
40.Shanthi	...	Petitioner	in	wp	20094/14
41.R.Dhanalakshmi	...	Petitioner	in	wp	20095/14
42.R.Ekambaram	...	Petitioner	in	wp	20096/14
43.Monoharan	...	Petitioner	in	wp	20015/14
44.Srileka	...	Petitioner	in	wp	20016/14
45.M.Mary Priyadharshini	...	Petitioner	in	wp	20017/14
46.S.Sugumar	...	Petitioner	in	wp	20018/14
47.R.Tamilselvi	...	Petitioner	in	wp	20019/14
48.Abraham	...	Petitioner	in	wp	19461/14
49.Sundaramoorthy	...	Petitioner	in	wp	19483/14
50.Ravichandran	...	Petitioner	in	wp	19484/14
51.Saravanan	...	Petitioner	in	wp	19485/14
52.Ramesh	...	Petitioner	in	wp	19486/14
53.Gomathi	...	Petitioner	in	wp	19487/14
54.Selvi	...	Petitioner	in	wp	19488/14
55.Sarojini Sathiyavathi	...	Petitioner	in	wp	19489/14
56.Latha Jayaselvi	...	Petitioner	in	wp	19490/14
57.Greeta Samuvel	...	Petitioner	in	wp	19491/14
58.Bharathi	...	Petitioner	in	wp	20211/14
59.S.Sivaprakash	...	Petitioner	in	wp	20212/14
60.Arasu	...	Petitioner	in	wp	20213/14
61.Kannika	...	Petitioner	in	wp	20214/14
62.Rajasekaran	...	Petitioner	in	wp	20215/14
63.R.Tulasi	...	Petitioner	in	wp	20216/14
64.Tamilselvi	...	Petitioner	in	wp	20217/14
65.S.Venkatesh Babu	...	Petitioner	in	wp	20218/14
66.K.Arumugam	...	Petitioner	in	wp	20490/14
67.S.Karpagam	...	Petitioner	in	wp	20491/14
68.P.Shanthi	...	Petitioner	in	wp	20492/14
69.Vasantha Gokilam	...	Petitioner	in	wp	20493/14
70.Malika	...	Petitioner	in	wp	20494/14
71.S.Murugan @ Murugesan	...	Petitioner	in	wp	20495/14
72.E.Jayalakshmi	...	Petitioner	in	wp	20496/14
73.Ramani	...	Petitioner	in	wp	20497/14
74.L.Vijayan	...	Petitioner	in	wp	20498/14
75.N.Saroja	...	Petitioner	in	wp	20199/14
76.P.Ganesan	...	Petitioner	in	wp	20500/14
77.Kalai Selvan	...	Petitioner	in	wp	20501/14
78.Senthilkumar	...	Petitioner	in	wp	20230/14
79.Vinothini	...	Petitioner	in	wp	20231/14

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 9
3. The Executive Engineer and
Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board Unit,
No.48, Dr.Muthulakshmi Road,
Adyar - 600 020.
4. The Special Tahsildar,
Land Acquisition, Unit - V,
Tamil Nadu Housing Board Schemes,
Aringar Anna Shopping Complex,
7th Avenue,
Thirumangalam, Chennai - 600 101. Respondents In all Wp's

Prayers in WP.Nos. 19689 to 19698/14, 19525 to 19530/14, 19655 to 19663/14, 20173 to 20177/14, 20164 to 20166/14, 20088 to 20096/14, 20015 to 20019/14, 19461/14, 19483 to 19491/14, 20211 to 20218/14, 20490 to 20501/14, 20230 to 20231/14 :

These Writ Petitions filed under article 226 of constitution of India praying to issue writ of Declaration, declaring that the land acquisition proceedings initiated under the Land Acquisition Act 1894 with respect to the lands of an extent of

1. 21 cents comprised in S.No. 617/4
2. 1588 Sq.feet comprised in S.No. 613/3
3. 0.08.0 hectare comprised in S.No. 416/27
4. 2816 sq.feet comprised in S.No. 416/11
5. 2881 sq.ft comprised in S.No. 440/3A and 613/14
6. 1619 sq.feet comprised in S.No. 613/3
7. 2058 sq.ft comprised in S.No. 612/2B1A
8. 1245 sq.ft comprised in S.No. 613/3
9. 3600 sq.ft and 11 cents comprised in S.No. 618 and 416/11
10. 915 sq.ft comprised in S.No.612/2B3A and 990 sq.ft

- comprised in S.No. 613/2c totalling 1905 sq.ft.
11. 5472 and 2467.6 sq.ft totalling 7939.6
comprised in S.No. 291/4
 12. 8991 sq.ft. comprised in S.No. 291/3
 13. 5250.88 and 2250 sq.ft totalling 7500.88 sq.ft.
comprised in S.No. 291/4
 14. 9340.5 sq.ft comprised in S.No. 291/3
 15. 3283 and 4811.2 sq.ft totalling 8094.2 sq.ft
comprised in S.No. 291/4
 16. 9024 sq.ft comprised in S.No. 291/3
 17. 5 cent comprised in S.No. 618
 18. 1723 sq.ft comprised in S.No. 613/3
 19. 5 cent comprised in S.No. 617/4
 20. 6070 sq.ft comprised in S.No. 440/2B and 613/3
 21. 1575 sq.ft comprised in S.No. 613/3
 22. 5.5 cents comprised in S.No 617/1B2
 23. 22 cents comprised in S.No. 617/4
 24. 1410 sq.ft comprised in S.No. 613/3
 25. 1605 sq.ft comprised in S.No. 613/3
 26. 3900 sq.ft comprised in S.No. 617/1A2
 27. 868 sq.ft comprised in S.No. 416/23
 28. 1189.5 sq.ft comprised in S.No. 612/2B2A
 29. 1202.5 sqft comprised in S.No. 612/2B2
 30. 2520 sqft comprised in S.No. 416/1,416/3
 31. 0.07.5 hectares comprised in S.No. 679/1,
an extent of 0.13.5 hectares comprised in S.No. 680,
an extent of 0.15.0 hectares comprised in S.No. 301/1,
an extent of 0.11.5 hectares comprised in S.No. 301/2A,
an extent of 0.24.5 hectares comprised in S.No. 301/2B,
an extent pf 0.14.0 hectares comprised in S.No. 301/3A,
an extent of 0.15.0 hectares comprised in S.No. 301/3B,
an extent of 0.25.0 hectares comprised in S.No. 301/6B,
an extent of 0.07.0 hectares comprised in S.No. 302,
an extent of 0.07.0 hectares comprised in S.No. 309/1A

(WP.20164/14)

32. an extent of 0.04.5 hectares comprised in S.No. 300 and an extent of 0.04.0 hectares comprised in S.No. 679/2A
33. 0.15.5 hectares comprised in S.No. 301/6A
34. 3419 sq.ft comprised in S.No. 613/4 and
35. 1890 sq.ft comprised in S.No. 416/16
36. 3904 sq.ft comprised in S.No. 293/2
37. 1198.75 and 1216.25 sq.ft comprised in S.No. 638 totalling 2415 sq.ft
38. 2385 sq.ft comprised in S.No. 612/2B3A
39. 2500 sq.ft comprised in S.No. 612/2B1E
40. 1723.75 sq.ft comprised in S.No. 613/3
41. 10.5 cents comprised in S.No. 416/2
42. 1362 sq.ft comprised in S.No. 613/3
43. 1998 sq.ft comprised in S.No. 617/1A2
44. 1290 sq.ft comprised in S.No. 416/18 and 416/22
45. 3102.5 sq.ft comprised in S.No. 612/2B2A
46. 2421 sq.ft comprised in S.No. 612/2B2A
47. 2025 sq.ft comprised in S.No. 440/4A
48. 13 cents comprised in S.No. 423/1A
49. 0.02.0 hectares, 0.07.5 Hectares, 0.25.0 hectares totalling 0.34.5 hectares comprised in S.No. 617/1B5 617/3C1, 617/3C2 respectively and an extent of 1688 sq.ft comprised in S.No. 416/4
50. 8077 sq.ft. and 930 sq.ft totalling 9007 sq.ft comprised in S.No. 420/2C and 420/2A1
51. 12320 sq.ft comprised in S.No. 420/2A1
52. 8800 sq.ft comprised in S.No. 420/2A1
53. 8893 sq.ft comprised in S.No. 420/2A1
54. 1998 sq.ft comprised in S.No. 617/1A7
55. 2403 sq.ft comprised in S.No. 612/2B2A
56. 1451 sq.ft comprised in S.No. 613/3
57. 9.5 cents comprised in S.No. 617/4 and 416/6
58. 8928 sq.ft comprised in S.No. 420/2A1
59. 3407 sq.ft comprised in S.No. 613/4 and 613/5A and as sub division in 613/43 & 613/596,

an extent of 7.5 cents comprised in S/.No. 440/7B
an extent of 2499 sq.ft comprised in S.No. 440/4B
60. 872 sq.ft comprised in S.No. 416/3
61. 1462 sq.ft comprised in S.No. 613/3
62. 3442 sq.ft comprised in S.No. 613/4 and 613/5A now
as sub division 613/5A3 & 613/4D and an extent of
5 cents comprised in S.No.440/7A
63. 3501 sq.ft comprised in S.No. 613/4 and 613/5A and sub
divided 613/4B and 613/5A1
64. 2519 sq.ft and 1290 sq.ft totalling 3809 sq.ft comprised
in S.No. 416/19
65. 3466 sq.ft comprised in S.No. 613/4 and 613/5A as sub
division 613/4c, 613/5A2 and an extent of 1220 sq.ft
comprised in S.No. 612/2B3F and 613/2B
66. 817.5 sq.ft comprised in S.No. 416/23
67. 1400 sq.ft comprised in S.No. 613/3
68. 1434 sq.ft comprised in S.No. 416/6
69. 817.5 sq.ft comprised in S.No. 416/23
70. 4502 sq.ft comprised in S.No. 293/1 and 293/2
71. 2241.62 sq.ft comprised in S.No. 414/6 and 617/4
72. 2407 sq.ft comprised in S.No. 293/1 and 293/2
73. 2407 sq.ft comprised in S.No. 293/1, and 293/2
74. 1186.5 sq.ft comprised in S.No. 617/1B4 and
28 cents comprised in S.No. 618
75. 2690 sq.ft comprised in S.No. 416/6
76. 456 sq.ft comprised in S.No. 416/23
77. 2644 sq.ft comprised in S.No.293/1 and 293/2
78. 2384 sq.ft comprised in S.No. 293/1 and 293/2
79. 1195 sq.ft comprised in S.No. 293/1 and 293/2
respectively belonging to the petitioner situated at
Sholinganallore village, Kancheepuram District on lapsed in view of
sec 24(2) of the Right to fair compensation and transparency in
Land Acquisition Rehabilitation and Resettlement Act 2013 (Act
30/2013).

For Petitioner : Mr.R.Muthukumarasamy, Senior Counsel
In all Wp's For Mr.R.N.Amarnath

For Respondents: Mr.A.L.Somayaji, Advocate General
In all Wp's Assisted by
Mr.B.Vivekavanam for R2 and R3

Mr.P.H.Aravind Pandian
Additional Advocate General
Assisted by
Mr.M.S.Ramesh
Additional Government Pleader for R1&R4

C O M M O N O R D E R

The petitioners in the above writ petitions have filed the above writ petitions against the respondents and sought remedy under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013), for their lands acquired by the respondents.

2. The fourth respondent has filed a counter statement and disclosed the entire facts of the case, besides the second and third respondents have filed a checklist and disclosed that the petitioners' name had not been available in the 4(1) Notification and also in the award passed by the Land Acquisition Officer.

3. The highly competent senior counsel Mr.R.Muthukumarasamy appearing for the petitioners submits that the respondents have not paid any compensation amount to the petitioners for their subject lands, besides the petitioners are still in possession of the subject lands.

4. The highly competent Advocate General Mr.A.L.Somayaji appearing for the respondents 2 and 3 submits that the petitioners name was not available in the Land Acquisition Proceedings, under Section 4(1) Notification and award. Hence, in the absence of relevant records, the petitioners are not entitled to receive any remedy under the Old Act.

5. The highly competent Additional Advocate General Mr.P.H.Aravind Pandian appearing for the respondents 1 and 4 submits that the petitioners are encroachers and they are not the owners of the property. Besides, the petitioners have not produced any title deeds to prove their ownership. Further, the Land Acquisition Officer had handed over physical possession to the requisitioning body, viz., Tamil Nadu Housing Board.

6. On considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on all sides and on perusing the check list submitted by the respondents, this Court, offers the liberty to the petitioners to make fresh representation before the respondents regarding their claim. After receipt of said representation, the respondents are directed to conduct a comprehensive enquiry and also physical verification over the property and find out as to whether the petitioners are in a physical possession of the subject land and are in enjoyment of the same, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the writ petitions are disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed, if any.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 9.
- 3.The Executive Engineer and
Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board Unit,
No.48, Dr.Muthulakshmi Road,
Adyar - 600 020.
- 4.The Special Tahsildar,
Land Acquisition, Unit - V,
Tamil Nadu Housing Board Schemes,
Aringar Anna Shopping Complex,
7th Avenue,
Thirumangalam, Chennai - 600 101.

+3cc's to Mr.R.N.Amarnath, Advocate, S.R.No.33910 to 33912
+10cc's to Mr.B.Vivekavanan, Advocate, S.R.No.33406 to 33415
+1cc to the Government Pleader, S.R.No.33985

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CA(03/08/2015)



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