

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.32800 of 2015

and

M.P.No.1 of 2015

1.Mrs.Saraswathi

2.N.Shanthi

3.V.Ravi

4. V.Chandra

5. K.V.Balaji .. Petitioners

Vs.

1.The Special Deputy Collector (Land Acquisition)
Tamil Nadu Urban Development Scheme-III,
Chennai-Poonamallee,
Chennai-600 056.

2.The Tahsildar
Ambattur Taluk.

(R2 suo moto impleaded by the order of this Court dated
19.11.2015
in W.P.No.32800 of 2015)

सत्यमेव जयते .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the Respondent from demolishing, dispossessing, evicting the Petitioners from the plot No.'A' North Railway Station Road, Korattur, Measuring an extent of 2880 sq.ft., comprised in Survey No.297 at No.61, Korattur Village, Ambattur Village, Thiruvallur District.

For Petitioners .. Mr.D.Senthil Kumar

For Respondents .. Mr.R.Vijaya Kumar
Additional Govt. Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The Tahsildar, Ambattur Taluk is suo motu impleaded as second respondent. The Registry is directed to carry out necessary amendment in the cause title.

3. Heard Mr.D.Senthil Kumar, learned Counsel appearing for the petitioners and Mr.R.Vijaya Kumar, learned Additional Government Pleader appearing for the respondents.

4. The only grievance of the petitioners is that their lands have already been acquired by the first respondent for the Tamil Nadu Urban Development Scheme. It is the case of the petitioners that they are entitled to receive the compensation for an extent of 2880 sq.ft, whereas the first respondent while computing the compensation payable has stated that the extent of the land is 330 sq.mtr. The petitioners definite case is that they does not own 330 sq.mtr. and the Sale Deed and Patta is only for 2880 sq.ft. Therefore, the compensation payable to the petitioners shall be to the extent which they owns.

5.However, this controversy cannot be resolved by the first respondent, because he is the Special Deputy Collector (Land Acquisition), Tamil Nadu Urban Development Scheme-III. Therefore, necessary assistance of the Revenue Department is required. Therefore, this Court suo motu impleaded the Tahsildar, Ambattur Taluk, as the second respondent.

6.In the light of the above controversy, there shall be a direction to the second respondent to measure the petitioners property based on the Sale Deed and the Patta issued to the petitioners and give certificate to the first respondent as regards the exact extent which was in the holding of the petitioners, so as to enable the first respondent to pay proportionate compensation for the lands acquired. The above direction shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Special Deputy Collector (Land Acquisition)
Tamil Nadu Urban Development Scheme-III,
Chennai-Poonamallee,
Chennai-600 056.

2.The Tahsildar
Ambattur Taluk.

+1cc to The Government Pleader Sr.62930
+2cc to Mr.D.Senthilkumar, Advocate Sr.63021

W.P.No.32800 of 2015
and
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srg 15/12/2015



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