

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.33551 of 2015 &
M.P.No.1 of 2015

E.Prema Hepsi

... PETITIONER

Vs

1. The Project Director
Tamilnadu Road Sector Project
No.171, Greenways Road
Raja Annamalaipuram, Chennai-600 028.
2. The Director General
Highways Department
PWD Complex, Kamarajar Salai,
Chepauk. Chennai-600 005.
3. The Chief Engineer(H)
Construction and Maintenance
Post Box No. 432
PWD Complex, Kamarajar Salai
Chepauk, Chennai-5.
4. The Chief Engineer (H) Projects
2D Panagal Building,
No.1 Jeenis Road
Saidapet, Chennai-600 015.
5. The District Collector
Collectorate, Thiruvallur,
Thiruvallur District.
6. The Tahsildar
Poonamalle,
Thiruvallur District.

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct Directing the respondents 1 to 4 to consider the representation of the petitioner dated 11.08.2015 and following the provisions of the Tamilnadu Highways Act 2001 before acquiring the land of the petitioner under survey No.1/1 situated in Kamarajar Nagar Aavadi Chennai-71 and pay adequate compensation.

For Petitioner : Mr.D.Muthukumar

For Respondents : Mr.R.Vijayakumar
Additional Government 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.Heard Mr.D.Muthukumar, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents

3.The petitioner claims that the property has been conveyed by her husband Mr.D.S.Edward Selvam, who is said to be in possession of the property from 2002 and has been paying taxes. The case of the petitioner is that initially a large junk of land in Survey No.1/1 (nearly 40 acres) in Kamarajar Nagar, Paleripattu Village, Thiruvallur District was classified as 'meichel land' during 1970 and those lands were assigned to landless poor people. It is further stated that the above mentioned lands were in the hands of Mrs.Babi Ammam and their family members and those people were paying tax. Subsequently, the petitioner's husband purchased the land by paying valid consideration during January 2002, he was paying the tax regularly and they are in possession and enjoyment of the property. Whiles, on 06.10.2015, the petitioner was issued with a notice under section 7 of the Land Encroachment Act and the petitioner has submitted a detailed explanation on 07.10.2015, sent by 'Speed Post' on 08.10.2015. In the said reply, the petitioner has stated in detail as to how she acquired title to the property and claims that she has documentary evidence to prove that the land belonged to her. Photographs filed in the typed set of papers would show that a School called D.S.Selvam Matriculation School is situated in the premises.

4.However, based on the photographs, the Writ Court cannot take a decision as to whether the petitioner is lawfully entitled to the said land. In any event, the petitioner would state that she has got documents to prove that she is the lawful owner of the property and she has also responded to the copies issued by the Revenue Officials.

5.In the light of the above, the Writ Petition is disposed of by directing the Tahsildar, Poonamallee, Thiruvallur District to conduct an enquiry into the matter as to whether the petitioner is the owner of the property and after receiving the documents produced by the petitioner and affording an opportunity of personal hearing to the petitioner, shall pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order. Till such orders are passed by the 6th respondent, the Status Quo prevailing as on today (02.11.2015) shall be maintained.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpa

To

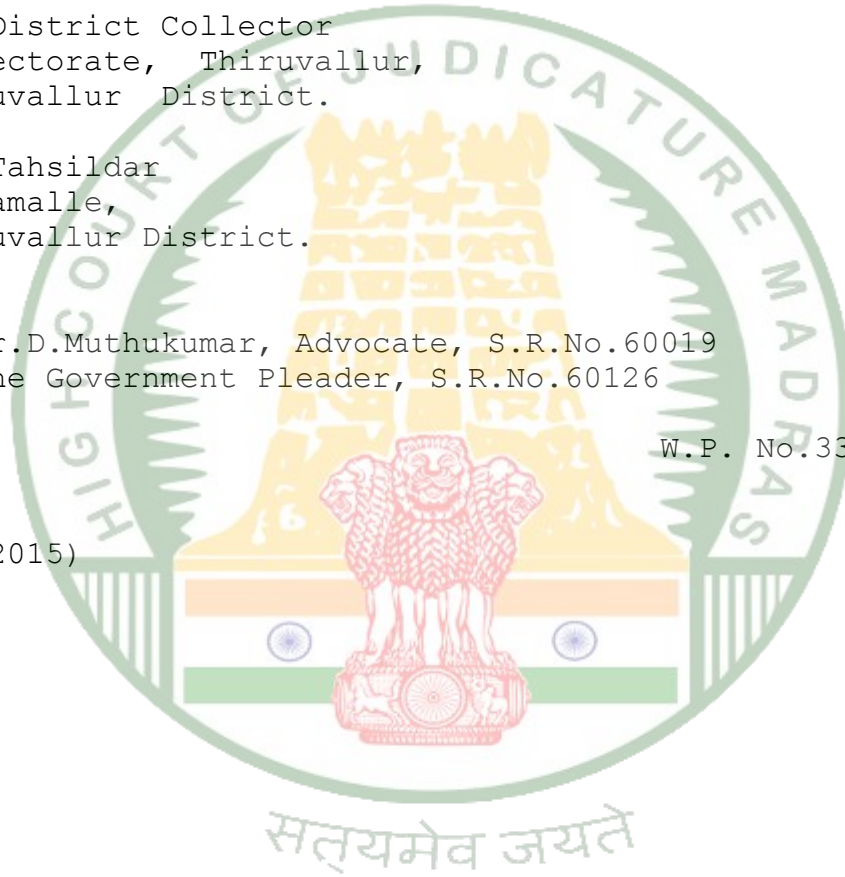
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+1cc to Mr.D.Muthukumar, Advocate, S.R.No.60019
+1cc to the Government Pleader, S.R.No.60126

W.P. No.33551 of 2015

NM(CO)
CA(19/11/2015)



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