

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.40637 of 2015

The Diocese of Chengalpet
Rep by Rev.Father Shylock Stephen,
Member, Property Committee,
Bishops House,
Kanchipuram High Road,
Thimavaram,
Kanchipuram District. ... Petitioner

Vs

1. The District Collector
Kanchipuram District.
2. The Special Tahsildar (LA)
Radial Road Scheme,
Tambaram. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to survey and measure the lands which has been acquired from the petitioner in Paiyanur Village, Chengalpattu Taluk in the presence of the petitioner and to issue a report to the petitioner.

For Petitioner : Mr.R.Gandhi, Senior Counsel
for Mrs.Selvi George

For Respondents : Mr.S.Diwakar
Additional Government Pleader

ORDER

Heard Mr.R.Gandhi, learned Senior Counsel for Mrs.Selvi George, the learned counsel appearing for the petitioner. Mr.S.Diwakar, learned Additional Government Pleader accepts notice for the respondents and by their consent, the Writ Petition is taken up for final disposal.

2. The petitioner is a Diocese of Chengalpet and seeks for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation and to measure and survey the property, so as to ascertain as to whether any excess land has been taken over, while acquiring the land for Radial Road Scheme at Tambaram.

3. As rightly pointed out by the learned Additional Government Pleader, the Revenue Tahsildar is not impleaded as a party nor the Head Surveyor, and only the Special Tahsildar (L.A), has been impleaded and since the possession has already taken over, it would be difficult for the second respondent to take any action on the representation. However, since the District Collector has been made a party to this Writ Petition, this Court deems it appropriate to issue a direction to the first respondent to consider the representation dated 17.02.2015 and to direct the revenue officials to take note of the facts placed by the petitioner and submit a report to the first respondent. While considering the facts placed by the petitioner, it would be better for the revenue officials to conduct survey in the presence of the representative of the petitioner.

4. This Court is convinced to make such observations because the petitioner, which is a Diocese has not objected to the acquisition proceedings. But in any event, if some extent of land over and above the land notified, had formed part of the acquisition, then the petitioner would be entitled to seek for compensation for those lands.

5. In the light of the above, the Writ Petition is disposed of by directing the petitioner to forward a copy of the representation along with the copy of this order to the first respondent, within one week from the date of receipt of a copy of this order. Thereafter, the first respondent shall consider the representation in the light of the observations made in this order and pass necessary orders within a period of eight weeks from the date of receipt of the representation. No Costs.

ds

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To:

1. The District Collector
Kanchipuram District.

2. The Special Tahsildar (LA)
Radial Road Scheme,
Tambaram.

+ 1 cc to M/s.Selvi George, Advocate SR 69503

+ 1 cc to Govt.Pleader SR 69623

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