

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11874 of 2016

and

WMP.No.10246 of 2016

Ragavan Kannan Petitioner

vs.

- 1.The District Collector,
Kancheepuram District.
- 2.The Tahsildar,
Sriperumpudur,
Kancheepuram District.
- 3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Kancheepuram. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus forbearing the respondents 1 and 2, their subordinates, men and agents from either trespassing or doing any work in the petitioner's private land to the extent of 0.04 acres in R.S.No.17/1 (Plot No.7/A9) in Karanai Thangal Village, Sriperumpudur Taluk, Kancheepuram District (then Chengalpet District) by considering the petitioner's representation dated 21.03.2016.

For Petitioner : Mr.I.C.Vasudevan
For Respondents : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. The petitioner has come up with the present writ petition for a mandamus, forbearing respondents 1 and 2, their

subordinates, men and agents from trespassing or doing any work in his land measuring to an extent of 0.04 acres in R.S.No.17/1 (Plot No.7/A9) in Karanai Thangal Village, Sriperumpudur Taluk, Kancheepuram District (then Chengalpet District) by considering the petitioner's representation dated 21.03.2016.

3. It is the case of the petitioner that he was granted patta in respect of his land measuring to an extent of 0.04 acres in R.S.No.17/1 (Plot No.7/A9) in Karanai Thangal Village, Sriperumpudur Taluk, Kancheepuram District (then Chengalpet District) by the third respondent vide order dated 19.06.1967. Thereafter, he has constructed a house therein and has been in possession and enjoyment of the same as absolute owner by paying necessary property tax, electricity charges etc. In fact, the petitioner and his family members are also having ration card, Aadhar Cards and Voter Identity Cards. While so, the officials of respondents 1 and 2 came to the house of the petitioner and threatened him to vacate the same on the ground that the land in question being a poromboke land, belongs to the Government and they are going to demolish the said building, for the purpose of expansion of Highways from Vandalur to Walajabad, as per the provisions of the Tamil Nadu Highways Act. Immediately, the petitioner made a representation dated 21.03.2016 to the first respondent, requesting him not to disturb his possession and enjoyment of his land. In spite of receipt of the said representation, the first respondent has not considered the same. Therefore, apprehending that the officials of respondents 1 and 2 would demolish his house within a day or two on the subsequent working days, the petitioner has approached this Court with the present writ petition for the above stated relief.

4. Learned counsel for the petitioner submitted that since the petitioner has been in possession and enjoyment of the land in question for more than 50 years as absolute owner, on the basis of the patta issued by the third respondent, respondents 1 and 2 ought to have issued notice to the petitioner under section 15(2) of the Tamil Nadu Highways Act, so as to enable him to file his objections. Learned counsel for the petitioner further submitted that in the event of acquisition of his land, the petitioner is entitled to get necessary compensation as per law.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

6. In this writ petition, the petitioner sought for a Mandamus, forbearing respondents 1 and 2 from trespassing or doing any work in his land in R.S.No.17/1 (Plot No.7/A9) in Karanai Thangal Village, Sriperumpudur Taluk, Kancheepuram

District. In my considered view, such relief cannot be granted by this court.

7. However, this Court directs the first respondent to consider the representation of the petitioner dated 21.03.2016, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Kancheepuram District.
2. The Tahsildar,
Sriperumpudur,
Kancheepuram District.
3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Kancheepuram.

+ 1 cc to Mr. I. C. Vasudevan Advocate, SR19857

+ 1 cc to Govt. Pleader, High Court, Madras SR20048

W.P.No.11874 of 2016

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