

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.26712 of 2016
and WMP No.22934 of 2016

S.Rajendran

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Petitioner

Vs.

1.The District Collector,
Vellore District.

2.The Tahsildar,
Nemili Taluk,
Vellore District.

3.The Divisional Revenue Officer (Land Acquisition),
Vellore District,
Vellore

(Suo Moto Impleaded as R-3 vide order of this
court dated 29.07.2016)

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Respondents

Prayer : Writ petition filed under Article 226 of the
Constitution of India for issue of writ of mandamus forbearing
the respondents from demolishing the petitioner's building
bearing No.256, Gandhi Road, Banavaram Village, Nemili Taluk
constructed on his patta land comprised in S.F.No.530/1A2C,
530/11 and 530/2A in Patta No.842, Banavaram Village of Nemili
Taluk for expanding the service lane without resorting to the
provision of the Land Acquisition Act.

For Petitioner : Ms.P.T.Asha for
M/s.Sarvabhauman Associates

For Respondents: Mr.V.Jayaprakash Narayanan,
Special Govt. Pleader

O R D E R

By consent, this Writ Petition is taken up for final
disposal at the admission stage itself.

2. The petitioner is the owner of the building bearing No.256, Gandhi Road, Banavaram Village, Nemili Taluk constructed on his patta land comprised in S.F.No.530/1A2C, 530/11 and 530/2A in Patta No.842, Banavaram Village of Nemili Taluk. The petitioner has put up superstructure in the year 1989 and he is in possession of the property by paying appropriate taxes to the authorities.

3. When things stand so, the respondents have visited the petitioner's property on 25.07.2016 and made measurements and marking stating that the said property to the extent of marked portion is sought to be demolished for the purpose of laying service lane. They have also stated that the demolition would take place on 29.07.2016. Apprehending demolition, without due process of law and without giving show cause notice, the petitioner has come before this court by way of this writ petition.

4. Heard Ms.P.T.Asha, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

5. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader would submit that at the request of the State Highways Department only, the second respondent visited the property of the petitioner and made measurements to find out the possibility of demolition for the purpose of laying service lane.

6. In view of the above, this Court, suo motu, impleads, The Divisional Revenue Officer (Land Acquisition), Vellore District, Vellore as the third respondent and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the newly impleaded third respondent.

7. It is clear from the records that the petitioner is the owner of the building and land bearing Door No.256, Gandhi Road, Banavaram Village, Nemili Taluk comprised in S.F.No.530/1A2C, 530/11 and 530/2A and the patta also stands in the name of the petitioner issued by the appropriate authorities on 09.09.2014. When the petitioner is the owner and is in possession of the property, if the said property is required by the respondent, the same has to be acquired as per due process of law, invoking appropriate act. It is seen that no such procedure has been followed by the respondent.

8. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader would submit that only measurements have been taken and due process of law would be followed in this matter in the

acquired property and no demolition would be done without following due process of law.

9. Taking into consideration the above said submission of the learned Special Government Pleader and also the apprehension expressed by the learned counsel for the petitioner, this court directs the respondents not to demolish the building of the petitioner, without following due process of law.

10. with the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The District Collector,
Vellore District.

2.The Tahsildar,
Nemili Taluk,
Vellore District.

3.The Divisional Revenue Officer (Land Acquisition),
Vellore District,
Vellore.

1 cc to M/s.Sarvabhauman Associates, Advocates, sr.43183
1 cc to Government Pleader, sr.43258

pvs co
kra 04.08.2016

W.P. No.26712 of 2016