

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8216 of 2017

L.Selvam

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.

2.The Tahsildar,
Ambattur Taluk, Tiruvallur District,
Ambattur O.T., Chennai - 600 053.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to conduct survey of the lands and demarcate the area belongs to the petitioner herein Survey No.251/2 measuring an extent of 1 acre 38.5 cents, Padikuppam Village, Ambattur Taluk, Tiruvallur District acquired by them under Land Acquisition Act and issue the boundary map to the petitioner duly signed by the respondents leaving the encroachment area.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.B.Vivekavanan (R1)
Mr.S.V.Doraisolaimalai,
Additional Government Pleader

ORDER

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to conduct survey of the lands and demarcate the area belongs to the petitioner herein Survey No.251/2 measuring an extent of 1 acre 38.5 cents, Padikuppam Village, Ambattur Taluk, Tiruvallur District acquired by them under Land Acquisition Act and issue the boundary map to the petitioner duly signed by the respondents leaving the encroachment area.

2.It is brought to the notice of this Court that an extent of 1 acre 38.5 cents was acquired by the Government under the Land Acquisition Act.

3.The learned counsel appearing for the petitioner submitted that since more extent of land was sought to be

taken possession, the petitioner has given a representation to the 2nd respondent to measure and demarcate the lands in Survey No.251/2. The representation was given on 23.01.2017. The learned counsel further submitted that inspite of the representation dated 23.01.2017, the 2nd respondent has not measured and demarcated the lands.

4.Mr.S.V.Doraisolaimalai, learned Additional Government Pleader taking notice for the 2nd respondent submitted that the 2nd respondent may be directed to measure and demarcate the lands and pass orders in accordance with law.

5.Mr.B.Vivekavanam, learned counsel taking notice for the 1st respondent submitted that the 1st respondent had already taken possession of the property and therefore, there is no necessity for measuring the lands in Survey No.251/2.

6.Since the petitioner has stated that more extent than what was acquired under the Land Acquisition Act was taken possession by the 1st respondent, it would be just and proper to measure and demarcate the lands. In these circumstances, taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, I direct the 2nd respondent to consider the petitioner's representation dated 23.01.2017 for measuring and demarcating the lands in Survey No.251/2 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of the copy of this order.

7.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Vellore District, Vellore.

2.The Tahsildar,
Arcot Taluk, Vellore District.

+1 cc to M/s.R.Subba Reddy, advocate,sr.20715

+1 cc to Mr.B.Vivekavanam,advocate,sr.20863

+1 cc to Govt.Pleader,sr.21045.

nr(co)

krd 17/4

<https://hcservices.ecourts.gov.in/hcservices/>

W.P.No.8216 of 2017