

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.7517, 7518 & 5884 of 2017
and W.M.P.Nos.8203, 8204 & 6306 of 2017

W.P.No.7517 of 2017

1. K.Sudhakar
2. K.Amaresan

.. Petitioners

Vs.

1. The District Collector,
Kanchipuram District, Kanchipuram.
2. The Special Tahsildar,
Land Acquisition,
I.T.Expressway Scheme,
Tambaram Taluk Office Building,
Chennai - 600 047.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, forbearing the respondents from evicting the petitioners from the property at Old Survey No.276/7 part and New Survey No.645/37 in Padur Village, Thiruporur Taluk, Kanchipuram District to an extent of 10 cents with building and further direct the respondents to pay compensation to the petitioners for acquiring the property at the rate of Rs.5,000/- per sq.ft.

सत्यमेव जयते

W.P.No.7518 of 2017

1. P.Paranthaman
2. Kaliammal
3. P.Sridhar

.. Petitioners

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.

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2. The Special Tahsildar,
Land Acquisition,
I.T.Expressway Scheme,
Tambaram Taluk Office Building,
Chennai - 600 047.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, forbearing the respondents from evicting the petitioners from the property at Old Survey No.276/7 part and New Survey No.644/18 in Padur Village, Thiruporur Taluk, Kanchipuram District to an extent of 3458 sq.ft with building and further direct the respondents to pay compensation to the petitioners for acquiring the property at the rate of Rs.5,000/- per sq.ft.

W.P.No.5884 of 2017

C.Mohanarangan ... Petitioner

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Special Tahsildar,
Land Acquisition,
I.T.Expressway Scheme,
Tambaram Taluk Office Building,
Chennai - 600 047.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, forbearing the respondents from evicting the petitioners from the property at Old Survey No.276/7 part and New Survey No.645/37 in Padur Village, Thiruporur Taluk, Kanchipuram District to an extent of 3360 sq.ft with building to an extent of 1000 sq.ft and further direct the respondents to pay compensation to the petitioners for acquiring the property at the rate of Rs.5,000/- per sq.ft.

For Petitioners in all W.Ps.: Mr.S.Parthasarathy

For Respondents in all W.Ps.: Mr.R.A.S.Senthilvel,
Additional Government Pleader

COMMON ORDER

Taking note of common issue involved in all the writ petitions, they have been taken up together and disposed of by a common order.

2. Admittedly, the petitioners are in possession and enjoyment of the land, which have been classified as Grama Natham. They have also put up construction over the same. The possession is over many decades. A notification was issued by the respondents for the purpose of creating a six lane I.T. Expressway. Notices under Section 15(2) of the Tamil Nadu State Highways Act have been issued. The petitioners have been called for the award enquiry. However, no compensation has been paid to the petitioners on the premise that the classification shows as Grama Natham.

3. The learned counsel for the petitioners would submit that the petitioners will have to be paid compensation treating them as owners both for the superstructure and the land.

4. The learned Additional Government Pleader would submit that the land is a Government Poramboke land and the petitioners have not obtained any patta.

5. A Grama Natham cannot be termed as Government land. Admittedly, the petitioners have been residing there by putting up construction long decades ago. Even in the counter affidavit, it has been stated that the petitioners' ancestors have been in possession and enjoyment of the land. It is not as if the lands are used for any other purpose other than residential. There is no dispute that the superstructure belongs to the petitioners. No orders of eviction have been passed nor initiated. Therefore, treating the Grama Natham land as a Government Poramboke land cannot be sustained in the eye of law.

6. However, in as much as the petitioners have not challenged the eviction proceedings and there is no rationale between the acquisition proceedings qua possession as against the compensation, the prayer sought for against the proposed eviction cannot be sustained. Therefore, the only other question is with respect to the compensation.

7. In the light of the discussion made above, this Court is of the view that the petitioners are entitled for compensation by treating their lands on par with the private lands.

8. Accordingly, this writ petitions stand disposed of by directing the respondents to determine the compensation by treating the lands in possession of the petitioners as private

lands within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

asi/cse

To

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Special Tahsildar,
Land Acquisition,
I.T.Expressway Scheme,
Tambaram Taluk Office Building,
Chennai - 600 047.

+3ccs to Mr.S.Parthasarathy,Advocate sr.42298,42299,42300

+2ccs to Government Pleader sr.42760,42761

W.P.Nos.7517, 7518 & 5884 of 2017
and W.M.P.Nos.8203, 8204 & 6306 of 2017

kj1(co)
ss(29/6/2017)

सत्यमेव जयते

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