

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.3974 of 2014

A.Sethurathnam

... Petitioner

Vs.

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Divisional Engineer
Highways Department
Public Works Department Complex
Kamarajar Salai, Chepauk
Chennai - 600 005.
(amended as per this order)
3. The Revenue Divisional Officer
Thiruporur,
Kancheepuram district.
4. The Tahsildhar
Thiruporur Taluk
Kancheepuram District.
5. R.Mahendran
6. Raja a.k.a. Soundararajan
7. The Director
Department of Town and Country Planning
No.807, Anna Salai,
Chennai - 600 002.
8. The Commissioner
Vadanemilli Panchayat Union
Vadanemilli,
Kancheepuram District.

9. The President

Vadanemilli Panchayat
Vadanemilli, Kancheepuram District.
(R-7 to R-9 impleaded as per order
dated 30/07/14 in M.P.No.2 of 2014
in WP.3974 of 2014)

10. The Assistant Divisional Engineer

Highways (C & M)
Chengalpattu.
(Suo motu impleaded by this order)

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to take appropriate legal action against unauthorized construction being made on Government High Ways Land comprised in S.No.343/2A, Vadanameli Village (Thiruvidanthai Village), Thiruporur Taluk, Kancheepuram District creating a blockade of entry to the petitioner's patta land in Patta No.2075, based on the representation submitted by the petitioner dated 30.1.2013 within a stipulated time.

For Petitioner : Mr.P.Wilson, Senior Counsel
for Mr.G.Sankaran

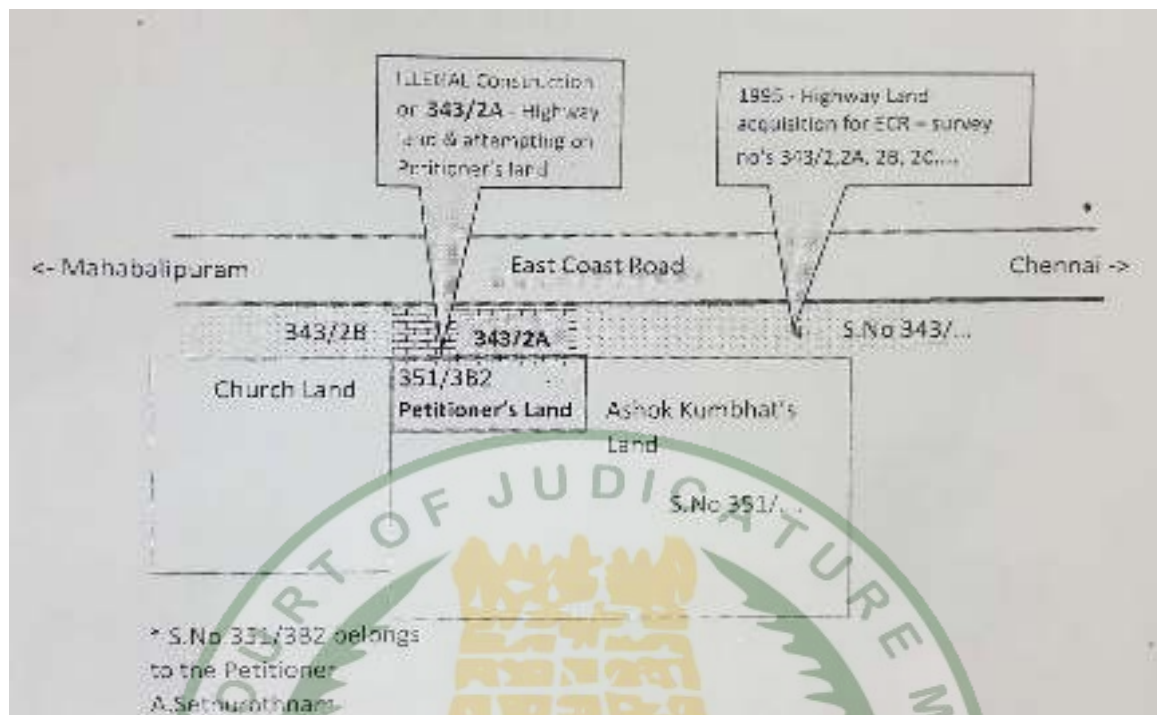
For Respondent : Mr.T.N.Rajagopalan
Special Government Pleader
for respondents 1 to 4
and 7 to 10

Mr.A.S.Mujibur Rahman
for respondents 5 and 6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The dispute pertains to the construction made by the fifth respondent in Survey No.343/2A, which is located in front of the land of the petitioner in S.No.351/3B2, Vadanemilli Village (Thiruvidanthai Village), Thiruporur Taluk, Kancheepuram District. The contours of the dispute is apparent from the sketch plan filed by the petitioner in the typed set of documents of 11.7.2014, which is reproduced as under:



2. It is the case of the petitioner and the respondent authorities that Survey No.343/2A is highways land which has been acquired, while the fifth respondent claims that he had purchased the land vide a registered sale deed after obtaining No Objection Certificate. It is also the case of the fifth respondent that this was possible as the land acquisition proceedings did not result in either payment of compensation or possession being taken over.

3. We are of the view that this controversy should be first looked into by the District Collector/first respondent to determine the status of the land at S.No.343/2A and the necessary material in support of the plea of the fifth respondent may be filed by him within two weeks from today. The first respondent will thereafter issue notice both to the petitioner and the fifth respondent to decide the issue in respect of the land and conclude the proceedings within a maximum period of three months from the date of receipt of the order.

4. If it is clarified that the land already stands validly acquired and the fifth respondent has purchased the land after the same, it would necessarily require an enquiry to be made as to how the sale deed could have been executed and registered in respect of the land which had been acquired.

5. It is only dependent on the fate of the aforesaid decision would the Assistant Divisional Engineer, Highways Department, be required to take necessary action. In this

behalf, we may note the stand of the said Assistant Divisional Engineer, produced before us by the learned Special Government Pleader, that it is after 18.3.2014 when the matter was taken up by the Court, respondents 5 and 6 stopped construction, but fenced the land in the said survey number with barbed wire and erected steel fabricated gate.

6. We also consider it appropriate to implead the Additional Division Engineer, Highways (C & M), Chengalpattu, as the tenth respondent in the present petition, for which notice has been accepted by the learned Special Government Pleader.

7. We are also informed that the second respondent's description is not correct as the designation is not the Director General, but the Divisional Engineer and thus the description be also corrected.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.1, 3 and 4 of 2014 are dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The Divisional Engineer
Highways Department
Public Works Department Complex
Kamarajar Salai, Chepauk
Chennai - 600 005.
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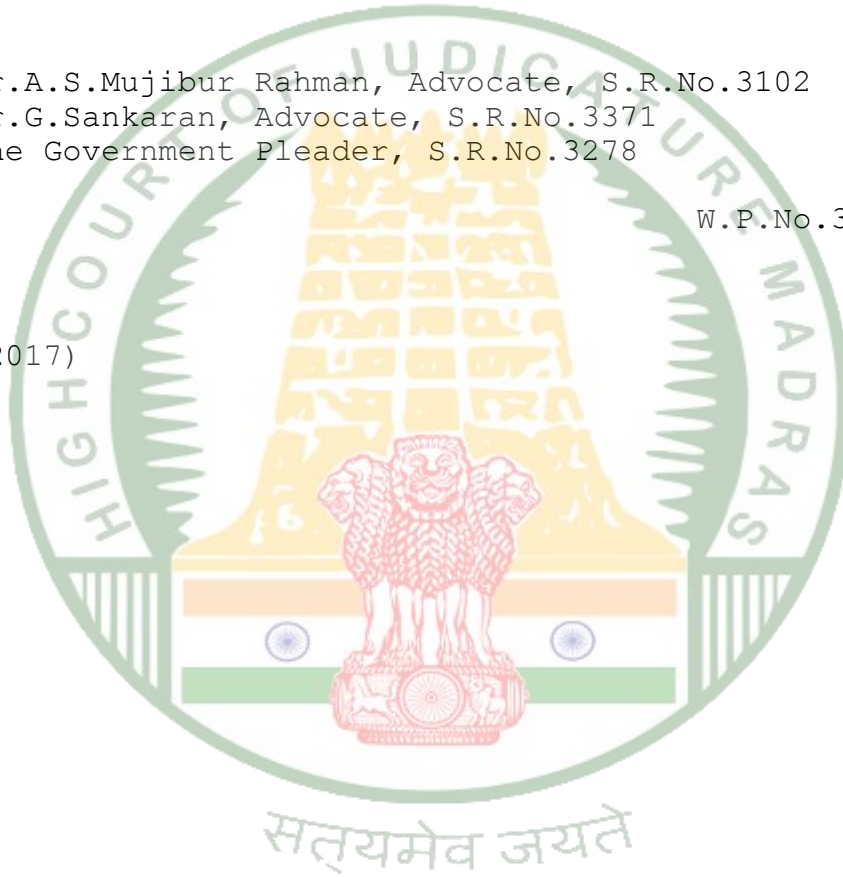
7.The President
Vadanemilli Panchayat
Vadanemilli, Kancheepuram District.

8.The Assistant Divisional Engineer
Highways (C & M)
Chengalpattu.

+1cc to Mr.A.S.Mujibur Rahman, Advocate, S.R.No.3102
+1cc to Mr.G.Sankaran, Advocate, S.R.No.3371
+1cc to the Government Pleader, S.R.No.3278

W.P.No.3974 of 2014

RSY(CO)
CA(01/02/2017)



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