

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.2681 of 2017

A.Anandha Padmanabha Alse

... Petitioner

Vs.

1. The District Collector,
District Collectorate,
Ma.Singaravelar Maaligai,
Rajaji Salai, Chennai.

2. The Special Tahsildar
(Land Acquisition),
Highways Department,
Mambalam - Guindy Taluk,
Chennai - 78.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to pay the compensation for the acquisition of the petitioner's immovable property, a vacant land situated at No.137, Kubera Nagar Layout comprised in R.S.Nos.666 and 667, Patta No.976 as Survey No.666/105 Mambalam - Guindy Circle, Velachery Village, measuring an extent of 5280 sq.ft. Within the Registration District of South Madras, Sub-Registration District of Velachery, in view of the petitioner's representation dated 09.11.2016.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader

WEB COPY
O R D E R

The petitioner, who purchased the property from his vendor by name one Nagappan, S/o.Swaminathan, has filed this writ petition seeking compensation.

2.Learned counsel appearing for the petitioner would submit that despite the direction issued by this Court, the question of compensation was not considered. The petitioner is a bonafide purchaser for value. The document sought for by the petitioner

has not been furnished. Hence appropriate orders will have to be passed.

3.Placing reliance on the communication sent by the Tahsildar, Velacherry to the office of the Government Pleader, the learned Additional Government Pleader would submit that the acquisition proceedings were completed in the year 2004 but the petitioner purchased the land in the year 2005. The Highways Department has paid the amount to the vendor of the petitioner, who has also received it. Hence no interference is required.

4.This Court has also perused the documents produced by the learned Additional Government Pleader. The documents would vouch for the submission made by the learned Additional Government Pleader that the land has been acquired by the Highways Department from the hands of the vendor of the petitioner by name Nagappan. The vendor of the petitioner received the compensation and unfortunately, without the knowledge of the petitioner, he has executed the sale deed thereafter. The present respondents did not have any part since the acquisition was made by the Highways Department. Even otherwise, the facts narrated above would clearly indicate that the petitioner is not entitled for the relief sought for. Perhaps, the petitioner can seek remedy either against the Highways Department, if law so permits or his vendor. But, certainly the writ petition is not maintainable against the present respondents.

5.With the above observation, the writ petition stands dismissed. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

mmi
To

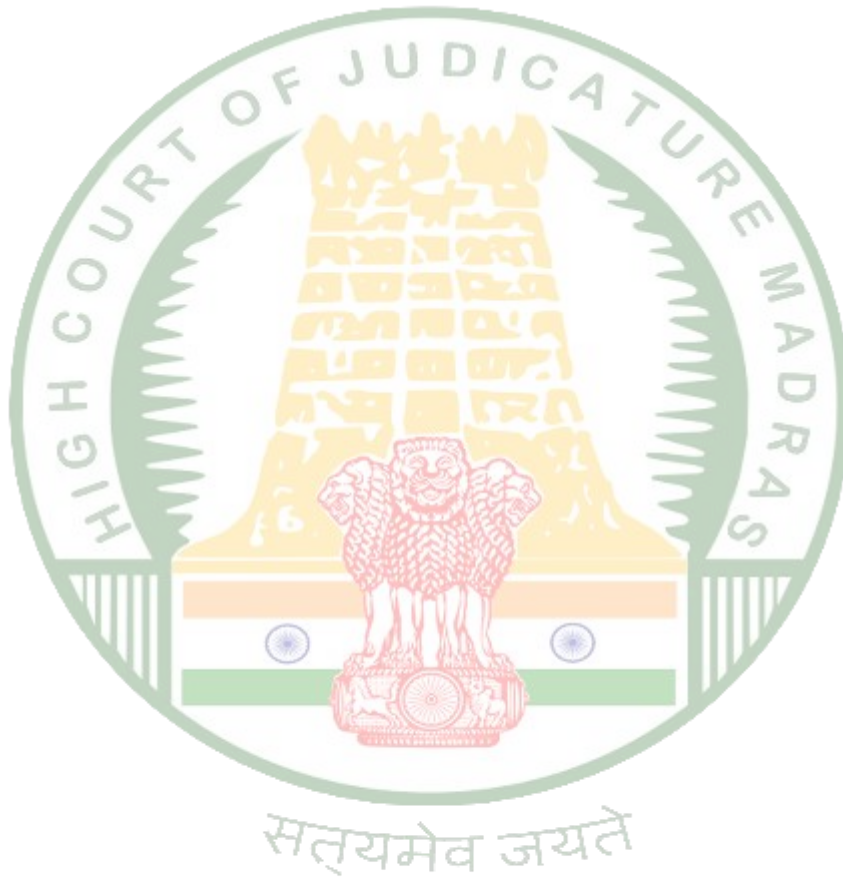
1. The District Collector,
District Collectorate,
Ma.Singaravelar Maaligai,
Rajaji Salai, Chennai.

2. The Special Tahsildar
(Land Acquisition),
Highways Department,
Mambalam - Guindy Taluk,
Chennai - 78.

+1cc to M/s.J.Ashok, Advocate in sr.no.39902
+1cc to Government Pleader in sr.no.40305

W.P.No.2681 of 2017

PPA (CO)
NR 27/06/2017



WEB COPY