

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29885 of 2004

And

W.P.M.P.No.36281 of 2004

S.Gunasekaran

... Petitioner

Vs.

1. The Special Officer and District
Revenue Officer,
National Highways,
Collectorate,
Kanchipuram District.

2. The Tahsildar,
Land Acquisition,
NH-45 Project Office,
Collectorate Buildings,
Kanchipuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents herein to pay the compensation amount for the lands acquired in Survey Nos.97/1 and 104/1 measuring 5.25 acres and 2.12 acres respectively situate at Kollambakkam Village, Madurantagam Taluk, Kanchipuram District, to the petitioner herein.

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of a Mandamus directing the respondents to pay the compensation amount for the lands acquired in Survey Nos.97/1 and 104/1 measuring 5.25 acres and 2.12 acres respectively situated at Kollambakkam Village, Madurantagam Taluk, Kanchipuram District.

2.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

3.The brief facts of the case are as follows: The petitioner purchased the property situated in Survey Nos.97/1 and 104/1 measuring 5.25 acres and 2.12 acres respectively situated at Kollambakkam Village, Madurantagam Taluk, Kanchipuram District vide Registered Sale Deed dated 15.05.1998 registered as Document No.754 of 1998 in the Office of the Sub Registrar, Madurantagam for from T.Thomas for valuable consideration.

4.Admittedly, the property stands in the name of the joint family members. The respondents acquired the above said lands under the National Highways Act, 1956 for constructing a Motel Drive-in and rest place at National Highways No.45 (4 lane way). Though the petitioner was not aware of the acquisition proceedings, after coming to know about the acquisition proceedings, he approached the authorities on 16.09.2004 for payment of compensation by producing the sale deeds and the Revenue Records before the authorities. However, the Revenue Authorities transferred the patta in favour of the original vendor, on the ground that the petitioner purchased the property from one T.Thomas through power of attorney by way of Registered sale deed. However, the objection made by the other family members of the vendor, the patta restored in their name. Accordingly, the authority did not pay any compensation to the petitioner. Aggrieved by the same, the petitioner filed the present writ petition.

5.The respondents filed the counter and averred that acquisition proceedings were initiated under the National Highways Act, 1956, for construction of Truck Lay By in Palayanur Kollambakkam Village, Madurantagam Taluk, after following due process of law, envisaged in the Land Acquisition Act, 1956. The petitioner's vendor appeared in the land acquisition proceedings and this petitioner also did not object the acquisition proceedings, however, claiming only compensation in the enquiry regarding the compensation one Kasthuri Ammal and 15 others have objected the payment of compensation to the petitioner. The family members are also enquired on 22.08.2005. They have produced necessary documents for their ownership. In the Patta Passbook Act, there was an objection of the Joint pattadhars for transferring the patta in favour of one T.Thomas from whom the petitioner purchased the property and subsequently, patta also restored in the name of original pattadhars. The authorities did not disburse the compensation, because of the property dispute. Accordingly, the amount was withheld. However, they rejected the claim of compensation on

the ground only after receipt of the orders from the competent Civil Court, further action will be proceeded for payment of compensation.

6.The learned counsel appearing for the petitioner would submit that the petitioner may be permitted to move the competent Civil Court for establishing the Title for getting compensation from the authorities.

7.Considering the above limited request, this Court is inclined to grant liberty to the petitioner to approach the Civil Court for establishing Title for claiming compensation from the authorities.

8.Accordingly, this Writ Petition stands disposed of with the above observations. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rna

To

1. The Special Officer and District
Revenue Officer,
National Highways,
Collectorate,
Kanchipuram District.

2. The Tahsildar,
Land Acquisition,
NH-45 Project Office,
Collectorate Buildings,
Kanchipuram.

+1cc to the Government Pleader, Sr. 67592

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AR(IV)

VR(10/10/2017)