

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.324 of 2018
and WMP.No.376 of 2018

R.Mohanasundaram

...Petitioner

Vs

1. The Government of Tamilnadu
Rep. by its Secretary
Housing and Urban Development Department,
Fort St.George, Chennai -9.
2. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.8, Gandhi Irwin Road Egmore,
Chennai - 8.
3. The District Collector,
Thiruvallore District,
Thiruvallore.
4. The Special Thasildar (LA),
Unit - IV, Outer Ring Road,
CMDA, No.8, Gandhi Irwin Road,
Egmore, Chennai -8.
5. The Thasildar
Poonamallee Taluk,
Poonamallee.
6. The Managing Director,
The Tamilnadu Road Development Corporation,
No.171, 2nd Floor,
Tamilnadu Maritime Board Building,
South Kesava Perumalpuram,
Raja Annamalai Puram,
Chennai -28.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Prohibition to prohibit the respondents from disturbing the petitioner's possession and enjoyment of the property situated in the house

site having an extent of 1048.61 sq.ft., situated in Survey No.7/30A of Thiruninravur Village, Poonamallee Taluk, Thiruvallore District and utilize the same for construction of Chennai Outer Ring Road without acquiring the same in accordance with the law and further to direct the respondents to restore the property having an extent of about 197 sq.ft. that was demolished by the agents of the respondents to its original position.

For Petitioner : Mr.N.Subramaniyan
For Respondents : Mr.Akhil Akbar Ali
Government Advocate for R1, R3 to R5
: Mr.P.Tamilmani
Standing Counsel for R2

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1, 3 to 5 and the learned Standing Counsel appearing for the 2nd respondent and perused the materials available on record.

2. The prayer in the writ petition is for issuance of a writ of Prohibition to prohibit the respondents from disturbing the petitioner's possession and enjoyment of the property situated in Survey No.7/30A at Thiruninravur Village, Poonamallee Taluk, and utilize the same for construction of Chennai Outer Ring Road without acquiring the same in accordance with the law and further to direct the respondents to restore the property having an extent of about 197 sq.ft. that was demolished by the respondents to its original position.

3. According to the learned counsel for petitioner, the respondents had acquired the land of the petitioner to an extent of 118.54 sq.mt., but due to defect in calculation, the respondents have paid compensation only for 100 sq.mt.

4. The learned counsel for the petitioner further submitted that though the petitioner had prayed for larger relief, he would be satisfied, if the respondents are directed to pay compensation for the remaining 18.54 sq.mt.

5. The learned Government Advocate has no objection to pay compensation for the remaining extent of land.

6. In the light of the above submissions of the learned counsels on either side, this Court directs the respondents to pay compensation to the petitioner for the remaining acquired land, i.e., 18.54 sq.mt. at present market rate, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department,
Fort St.George, Chennai -9.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 8.
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Raja Annamalai Puram,
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+1cc to Government Pleader Sr.No.43183
+1cc to Mr.P.Tamilmani, Advocate Sr.No.42417

CA(CO)
sm:18.7.2018

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