

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.20500 of 2018

Mohammed Nisar Yasdan

... Petitioner

..Vs..

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort.St.George, Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
- 3.The Special Tashildar,
Land Acquisition (Unit V),
Outer Ring Road project,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
(Ground floor - West Wing),
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 4.The Special Tashildar Cum District Revenue Officer,
Land Acquisition (Unit V),
Outer Ring Road Project,
Phase - II, CMDA,
Koyambedu, Chennai - 600 092.
- 5.The District Collector,
Land Acquisition,
Thiruvallur Collectorate Office,
Thiruvallur District - 602 001.
- 6.The Tashildar,
Tashildar Office,
Avadi Taluk, Chennai - 600 053.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 3 to 5 to pay compensation for the remaining land measuring 2265 sq.ft., comprised in Plot No.86 and 87 in Iyappa Nagar Annex, Vellanur Village comprised in Survey No.10/1 of Vellanur Village, Avadi Taluk for Chennai Outer Ring Road Project in terms of the right to fair compensation and transparency in land acquisition, rehabilitation and

resettlement Act, 2013.

For Petitioner : Mr.R.Manickavel
For Respondent : Mr.M.Elumalai
Government Advocate

O R D E R

The Writ Petition has been filed seeking a direction to respondents 3 to 5 to pay a compensation to the petitioner's land to an extent of 2,265 sq.ft in Survey No.10/1 of Vellanur Village, Avadi Taluk for Chennai Outer Ring Road Project.

2.According to the learned counsel for the petitioner, the petitioner is the owner of the house plot to measuring an extent of 5265 sq.ft., and the entire land has been acquired by the respondents for formation of Outer Ring Road. Out of the 5,265 sq.ft., the respondents paid the compensation only for an extent of 3,000 sq.ft., and for the remaining 2,265 sq.ft., the compensation was not paid. Hence, he had made several representations and the same were not considered and therefore, present Writ Petition.

3.Today, the learned Government Advocate for the respondents on instructions, submitted that out of the total extent of 5,265 sq.ft., an extent of 3,000 sq.ft., lies in the Vellanur village, and remaining extent of 2,265 sq.ft., land lies in Morai Village. In so far as the land in Vellanur village, viz., 3,000 sq.ft., the award has been passed and the petitioner has already received the compensation. In respect of the remaining 2,265 sq.ft., in Morai Village, since there is a title dispute between the parties, the amount has been deposited in Subordinate Court, Poonamallee u/s 30 & 31 of the Land Acquisition Act. In support of the same, he has also produced a copy of the form of reference before this Court.

4.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials placed on record.

5.Considering the fact that already the amount has been deposited under Section 30 and 31(2) of the Land Acquisition Act, 1894 before the learned Subordinate Court, Poonamallee, the petitioner is directed to approach the Subordinate Court, Poonamallee and claim the compensation by producing all relevant documents to prove his title over the property.

With the above directions, the writ petition is disposed of.
No costs.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

kkn/ssd

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort.St.George, Chennai - 600 009.
 - 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
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 - 6.The Tashildar,
Tashildar Office,
Avadi Taluk, Chennai - 600 053.
- +1 CC to Govt. Pleader sr 73909.

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KS(CO)
SP(29/11/2018)