

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2018

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Writ Petition No.1082 of 2018

Diocese of Chengalpattu, Rep. by Rev. Father

Shylock Stephen, Member,
Property Committee, Bishop House,
Kanchipuram High Road, Thimavaram,
Kanchipuram District

... Petitioner

Vs

1. The District Collector, Kancheepuram District
 2. The Tahsildar, Kancheepuram District
 3. The Special Tahsildar (Land Acquisition),
Radial Road Scheme, Tambaram
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 2 and 3 to measure and resurvey the properties acquired from the petitioner as directed by the order of the 1st respondent dated 09.10.17 vide ref No. Na.Ka. No.16832/2008/F1 within a stipulated time.

For Petitioner : Mr. T.S.Baskaran
For Respondents : Mr. J.Ramesh, AGP.,

O R D E R

This writ petition has been filed by the petitioner seeking a direction to respondents 2 and 3 to measure and resurvey the properties acquired from the petitioner, as directed by the order of the 1st respondent dated 09.10.17 vide Ref No. Na.Ka. No.16832/2008/F1 within a stipulated time.

2. The brief facts, which are necessary for the disposal of the above writ petition, are as follows:-

The petitioner has got huge extent of lands including the lands measuring an extent of 28,290 sq.mts., in various Survey numbers at Paiyanur Village, Chengalpattu, which was acquired for the radial road scheme, Tambaram, for the formation of IT express Way, i.e., to stretch out the lanes of OMR in proceedings No.RC 86/2008, dated 27.06.2013 and the compensation of a sum of Rs.10,80,02,508/- was awarded. The said acquisition proceedings were referred to Court as there was certain disputes. After perusal of the materials available on record, the Additional Subordinate Court, Chengalpattu, passed an order dated 04.10.2013, in LAOP No.09 of 2013 holding that the petitioner is entitled to the compensation amount for the properties acquired at Paiyanur Village, Chengalpattu Taluk, Kancheepuram District and a compensation amount to the tune of Rs.10,80,02,508/- was received by the petitioner.

2.1. During the year 2014, the administration of the petitioner has changed, thereafter, it was found that apart from the lands mentioned in the acquisition proceedings, adjacent lands, which were not part of the land acquisition, were also measured and stones were earmarked by the third respondent herein, in the said land acquisition proceedings, as though the additional lands were also the part of the acquired lands. Hence, the petitioner had given a representation dated 17.02.2015 to the authorities to measure and re-survey the properties acquired. The said representation was not considered by the authorities and hence, the petitioner herein had filed the present writ petition in WP No.40637 of 2015 before this Court and the same was allowed. In compliance of the said order, the third respondent, in the presence of the petitioner conducted a survey and submitted a report stating that there is excess land taken in the acquisition proceedings. But the petitioner was paid compensation only for the measurement of 28,290 sq.mts. and for remaining extent, there was no mention in the 4 (1) notification and no compensation was paid. Hence, the first respondent conducted meeting on 22.08.2017 and in the said meeting the officials of the petitioner requested for resurvey of the lands and the third respondent was directed by the first respondent to resurvey and file a fresh report, for which, again, the third respondent had visited the site, but had not measured the lands and had prepared the report stating that there is no excess land acquired. However, the petitioner had written their objections in the copy of the report as the third respondent had not measured the land at all. Ultimately, the first respondent had passed an order directing respondents 2 and 3 to resurvey and measure the demarcated area of the land that was acquired under the above land acquisition proceedings and to ascertain whether any excess land was taken possession. Since the respondents 2 and 3 have not taken any further steps, the petitioner has filed this writ petition.

3. Heard the learned counsel appearing for both sides.

4. The learned counsel appearing for the petitioner submitted that the petitioner has submitted several representations to measure the property, pursuant to the directions issued by the first respondent, dated 09.10.2017. According to the learned counsel appearing for the petitioner, the said representations have not been considered by the respondents so far, hence, the petitioner submitted that it is suffice if the respondents consider the plight expressed by the petitioner, within the time frame that may be stipulated by this Court.

5. The learned Additional Government Pleader appearing for the respondents has no serious objection for such a prayer being considered.

6. In view of the said submissions and considering the facts and circumstances of the case, the respondents 2 and 3 are directed to consider the grievance expressed by the petitioner, in the light of the proceedings, dated 09.10.2017, (which is enclosed in the typed set of papers) issued by the first respondent and take appropriate action, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and other aggrieved parties. The said exercise shall be completed by the respondents 2 and 3 within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srk

To

1. The District Collector, Kancheepuram District
2. The Tahsildar, Kancheepuram District
3. The Special Tahsildar (Land Acquisition),
Radial Road Scheme, Tambaram

+1cc to Government Pleader SR.NO.57940

+1cc to Mr.T.S.Baskaran, Advocate SR.NO.57343

sm:31.8.2018

Writ Petition No.1082 of 2018

सत्यमेव जयते

WEB COPY