

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2957 of 2017

1.Mrs.Asha D.Doshi

2.Mrs.Jyothi N.Dave

Represented by her PA Mrs.Asha D.Doshi

3.Mr.Samirkumar Sharma

.. Petitioners

Vs.

1.The District Collector,
O/o.Collectorate,
Chenglepet District.

2.The Assistant Commissioner/
Competent Authority,
Urban Land Ceiling,
Tambaram.

3.The Special Tahsildar,
Town Settlement Office,
Krishna Nagar, I Street,
Mudichur Road,
Chennai-600 045.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to clearly and specifically demarcate the 500 sq. meters of Plot in Survey No.377/1A1A part in Selaiyur Village, Saidapet Taluk, pursuant to the order dated 30.9.1988 and 15.6.1988 and consequently, hand over immediate possession of the same without any encumbrance or dispute with a proper sketch as claimed in our letters dated 24.8.2015 and 7.9.2015 respectively and also immediately to pay the compensation amount due to the writ petitioners in respect of 7150 sq. meters of Urban Land acquired along with 12% interest from 17.8.1992.

For Petitioners : Mr.C.T.Mohan

For Respondents : Ms.A.Sri Jayanthan,
Special Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to clearly and specifically demarcate the 500 sq. meters of Plot in Survey No.377/1A1A part in Selaiyur village, Saidapet Taluk, pursuant to the order dated 30.9.1988 and 15.6.1988 and consequently hand over immediate possession of the same without any encumbrance or dispute with a proper sketch as claimed in the letters dated 24.8.2015 and 7.9.2015 respectively and also immediately to pay the compensation amount due to the writ petitioners in respect of 7150 sq. meters of Urban Land acquired along with 12% interest from 17.8.1992.

2. The learned counsel, appearing on behalf of the writ petitioners, states that the writ petitioners are the absolute owners of the large extent of land and the said land was taken over by the Government by invoking the provisions of the Land Ceiling Act. However, under the provisions of the Land Ceiling Act, a portion of the land was already allotted in favour of the writ petitioners, measuring about 500 sq. meters.

3. The grievances of the writ petitioners are that the said portion of the land has not been demarcated and the possession has not been handed over to the writ petitioners, enabling them to enjoy the property.

4. The Special Tahsildar, Town Settlement Office, Krishna Nagar, I Street, Mudichur Road, Chennai-600 045, is directed to be present in order to ascertain the status in respect of the original files. Smt.M.Pushpalatha, Special Tahsildar, Town Survey and Settlement, Tambaram, Chennai-45, has appeared before this Court and assisted the learned Special Government Pleader and her further appearance is dispensed with.

5. The learned Special Government Pleader, appearing on behalf of the respondents, on verification of files, informed this Court that the writ petitioners were the original owners of the land, which was acquired by the Government by invoking the provisions of the Land Ceiling Act and by treating the said land as surplus land and the portion of the land was allotted to them and the said portion is for about 472 sq. meters.

6. May that it be.

7. This Court is of an opinion that the facts regarding the acquisition of land and allotment of the portion of the land has been admitted by the parties, including the respondents.

8. This being the factum of the case, the actual extent of land allotted to the writ petitioners shall be ascertained through the original records and thereafter, the Special Tahsildar-third respondent has to measure the portion of the land allotted to the writ petitioners, hand over possession and issue necessary patta and other revenue documents in favour of the writ petitioners, enabling them to enjoy the property. The said exercise shall be done by the Special Tahsildar-third respondent, within fifteen days from the date of receipt of a copy of this order.

9. In this view of the matter, the third respondent-Special Officer is directed to verify the original records in relation to the property in question and thereafter, measure the area allotted to the writ petitioners and hand over possession and other necessary revenue documents to them, within a period of fifteen days, as stipulated above.

10. The learned counsel for the writ petitioners further states that the compensation for the remaining portion of the acquired property has not been settled so far. If so, the same also to be verified from the records available and the second respondent has to take necessary steps to settle the compensation along with the interest as per law, without any further delay, in favour of the writ petitioners.

11. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
O/o.Collectorate,
Chenglepet District.

2.The Assistant Commissioner/
Competent Authority,
Urban Land Ceiling,
Tambaram.

3.The Special Tahsildar,
Town Settlement Office,
Krishna Nagar, I Street,
Mudichur Road,
Chennai-600 045.

+1cc to Mr.C.T.Mohan, Advocate, S.R.No.58448

+1cc to the Government Pleader, S.R.No.58825

WP 2957 of 2017

GSP(06/09/2018)



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