

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.30664 of 2016
and
W.M.P.No.26570 of 2016

Maragatham

...Petitioner

Versus

1. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Thiruvallur Taluk and District.
4. The Special Tahsildar,
Land Acquisition,
Thiruvallur Taluk and District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Mandamus forbearing the respondents, their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the Thatched house property of the petitioner comprised in comprising in S.No.182/3, Old S.No.182/3EB, of an extent of 533 Sq.ft (0037 Sq.mtr), situated at Sevapettai Village, Thiruvallur Taluk, and District, without following due process of Law.

For Petitioner : Ms.R.Soundhari
for Mr.A.Ramalingam

For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader

O R D E R

1. The case of the petitioner is that petitioner has a hut in a site measuring 533 sq.ft., in Survey No.182/3 which is correlated to New Survey No.182/3EB of Sevapettai Village, Thiruvallur Taluk and District. The petitioner claims that she has purchased that property on 29.09.2000 under a registered sale deed, the said property is a Natham property. The said property was proposed to be acquired under the provisions of Tamil Nadu Highways Act, 2001 (hereinafter referred to as "Act"). The grievance of the petitioner is that the respondent refused to consider her case for payment of compensation or for other resettlement.

2. Ms.R.Soundhari, the learned counsel appeared on behalf of Mr.A.Ramalingam, the learned counsel for the petitioner and Mr.M.Karthikeyan, the learned Additional Government Pleader appeared for the respondents. No counter affidavit is filed.

3. The learned Additional Government Pleader made a statement on instruction that Patta has been given to the petitioner in Patta No.198 and that the property is a Natham property and the Authorities have realised an error in the matter and have now agreed to issue necessary notice to the petitioner. He also added that the acquisition proceedings are under preliminary stage and proceedings under Section 15(2) of the Act is now under way.

3. The statement made by the learned Additional Government Pleader is hereby recorded. The respondent/Land Acquisition Authority is hence, directed to serve a necessary Notice on the petitioner under Section 15(2) of the Act within a period of four weeks from today(26.02.2018) without waiting to receive the copy of this order. Upon receipt of said Notice, the petitioner may lodge her objection if she is desirous, wherein thereafter, the Authorities shall dispose of the matter as per merit and strictly in accordance with law. Until then her possession shall not be disturbed.

4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Thiruvallur Taluk and District.
4. The Special Tahsildar,
Land Acquisition,
Thiruvallur Taluk and District.

+1cc to Government Pleader in sr.no.15394

W.P.No.30664 of 2016

nr 03/05/2018



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