

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 32815 of 2016
and
W.M.P. 28369 of 2016

P.Boopalan

... Petitioner

Vs

1. The District Collector,
Collector Office,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer
(Land Acquisition),
Chennai Outer Ring Road Project,
Chennai Metropolitan Development
Authority, Koyambedu,
Chennai-600 092.
3. The Special Tahsildar (Land Acquisition),
Chennai Outer Ring Road Project,
Tambaram at Poonamallee.
4. Tamil Nadu Road Development
Company Ltd.,
rep. By its Managing Director,
No.171, Second Floor, TNMV Building,
South Kesavaperumalpuram,
Greenways Road, R.A.Puram,
Chennai-600 028.

R4 impleaded as per order dated 9.11.2017
made in WMP.No.29157/17

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to make a measurement as per notification with the help of Government Surveyor and mark the exact place and acquire the property only to an extent of 18 sq.meters without disturbing the rest of the petitioner's house.

For Petitioner
For Respondent

: Ms.S.Suseela Devi
: Mr.D.Raja,
Addl. Government Pleader
for Respondents 1 to 3
: Mr.M.Sivavarthanam,
Counsel for 4th respondent

O R D E R

1. The Writ Petition has been filed seeking for a direction to the 3rd respondent to measure the petitioner's property.

2. According to the petitioner, the petitioner's land has been acquired for the purpose of Chennai Outer Ring Road Project and the acquisition proceedings has been initiated in respect of Survey No.219/4A2 and new Sub-Division No.219/4A2B of an extent of 18 sq. meters and an award was also passed on 30.11.2015. Subsequently, on 07.09.2016, the 3rd respondent is taking steps to demolish the petitioner's house on the ground that the acquisition is more than 18 sq. meters. In the said circumstances, the present Writ Petition has been filed to earmark the area of 18 sq. meters that was acquired by the respondents.

3. The learned counsel appearing for the 4th respondent, the beneficiary under the land acquisition, has filed a detailed counter stating that, the total extent of lands acquired from the petitioner's land bearing Survey No.219/4B2 measuring 18 sq.meters, Survey No.219/4B2 measuring 100 sq. meters and Survey No.219/5A2 measuring 138 sq. meters, totalling 256 sq.meters, along with the structure in Survey Nos.219/4A2B and 219/5A2. Subsequently, an interim award of Rs.87,34,553/- has been passed for the entire 256 sq.meters and the petitioner has also received the entire amount.

4. The learned counsel also produced the copy of the notification issued under Sec.15(1) of the Tamil Nadu Highways Act, 2001 and also the interim award passed in respect of the petitioner, which clearly shows that the total extent of 256 sq.meters has been acquired from the petitioner's land in the above said survey numbers and an award was also passed for the above said extent. As the 3rd respondent has acquired 256 sq.meters of land in the above said survey number, now the petitioner cannot claim that only an extent of 18 sq. meters alone acquired. Hence, the relief sought by the petitioner in the Writ Petition cannot be granted. Therefore, there is no merit in the Writ Petition, accordingly, the present Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Collector Office,
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Kancheepuram.
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(Land Acquisition),
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Greenways Road, R.A.Puram,
Chennai-600 028.
- + 1 cc to Ms. S. Suseela Devi, Advocate Sr.58711
+ 1 cc to Mr. M. Sivavarthan, Advocate Sr.58764
+ 1 cc to Mr. Government Pleader Sr.59295

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(CS-IV)
(24/09/2018)

सत्यमेव जयते

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