

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.33285 of 2016

and

W.M.P.Nos.28758 of 2016 and 6641 of 2017

K.Kumar

... Petitioner

Vs

1. The State
Represented by The Secretary,
Highways Department,
Secretariat,
Chennai-600 009.
2. The District Collector,
Tiruvallur,
Tiruvallur District.
3. The District Revenue Officer,
Tiruvallur,
Tiruvallur District.
4. The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Tiruvallur District.
5. The Special Deputy Collector (L.A.),
The Tamil Nadu Urban Development Project-III,
Poonnamallee,
Tiruvallur District.
6. The Assistant Engineer,
Highways,
C.M.D.P. Sub-Division-12,
Branch-24, Division-5,
Chennai-600 018.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 5th respondent to pay compensation to the petitioner for the land acquired from him in Survey No.8/3-A of

Vadakarai Village, Redhills, Tiruvallur District as per the Award dated 24.12.2013 passed in Award No.16/2013 on the file of the 5th respondent without insisting for Patta from petitioner.

For Petitioner : Mr.P. Saravanan

For Respondents : Mr. Akhil Akbar Ali
Government Advocate

O R D E R

The petitioner has knocked the door of this Court to direct the authorities to pay compensation amount awarded in his favour. The petitioner claims that he has purchased a plot of land in Survey No.8/3-A of Vadakarai Village, Redhills, Tiruvallur District on 13.06.1990 from a certain Kalaiselvi Vide sale deed registered as document No.5645/1990 of Ambattur Sub-Registry, that he has been paying all taxes and rates payable on the property. The property was acquired under the provisions of Tamil Nadu Highways Act, 2001 and award was passed on 24.12.2013, wherein, the petitioner's name found a place. However, when the petitioner approached the respondents with his representations to pay compensation, the authorities directed him to produce patta.

2. The State has not filed any counter but has filed W.M.P.No.6641 of 2017 for vacating the stay passed in W.M.P.No.28758 of 2016 and an elaborate affidavit has been filed to support it. Mr.Akhil Akbar Ali, learned Government Advocate appears for the respondents and stated that the affidavit filed in the said WPMP may be treated as counter to this writ petition.

3. In paragraph 3 of the affidavit of the 5th respondent it is stated that as per revenue records there is no Survey No.8/3A as was contended by the petitioner, that only Survey No.8/3 is available, that only after the award enquiry the petitioner had applied for transfer of name before the 4th respondent, Tahsildar, Madhavaram Taluk. It is further averred in paragraph No.6 of the said affidavit that the 4th respondent had informed that since the revenue records are in the process of being computerised it would take a weeks time for the 4th respondent to issue patta to the petitioner.

4. On a careful perusal of the counter it is nowhere seen that the respondents objected the title of the petitioner over the property which according to him is covered in Survey No.8/3A, but which according to the respondents is blocked in Survey No.8/3. The only objection they have is that the patta was not produced. Ultimately, compensation has to be paid to the one who has title to the property and patta is not a document of

title and payment of compensation cannot be denied on that solitary ground.

5. Having stated thus, if at all should the land acquisition authority should entertain a doubt, it can be as to the identity of the very person who is entitled to obtain compensation. Patta however is not a document of identification and the authorities have other means of satisfying themselves as to the identity of one who is entitled to receive compensation.

6. However, in the context of the position taken by the respondents in their counter, this Court chooses to direct a) the 4th respondent, Tahsildar of Madhavaram to issue necessary patta to the petitioner as indicated in paragraph 6 of the affidavit of the 5th respondent to enable him to obtain compensation within four weeks from the date of receipt of a copy of this order; and (b) in the eventuality of the 4th respondent disobeying the direction of this Court as stated above, the 5th respondent is hereby directed to pay compensation to the petitioner without reference to patta, after satisfying himself about the identity of the petitioner, if he entertains a genuine doubt about it, with reference to materials other than one supported by patta within a period of four weeks thereafter.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssn

To

1.The Secretary,
Highways Department,
Secretariat,
Chennai-600 009.

2. The District Collector,
Tiruvallur,
Tiruvallur District.

3. The District Revenue Officer,
Tiruvallur, Tiruvallur District.

4. The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Tiruvallur District.

5. The Special Deputy Collector (L.A.),
The Tamil Nadu Urban Development Project-III,
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6. The Assistant Engineer,
Highways,
C.M.D.P. Sub-Division-12,
Branch-24, Division-5,
Chennai-600 018.

+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.3936

KAN(CO)
RRK(16/02/2018)

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