

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.37377 of 2016
and
W.M.P.No.32029 of 2016

1. C.Chandra Bose
2. C.Surendran
3. C.Sudhakar
4. S.Nithya
5. S.Hema

...Petitioners

Versus

1. The Deputy Collector,
TNUDP - III,
New Street, Opp:Corporation Office,
Alandur,
Chennai - 600 016.
2. The Assistant Engineer (Highways),
The Tamil Nadu Highways Department,
C.M.D.P., Sub-Division-12, Part-24, Division -05,
Salai Amman Koil Street, Teynampet,
Chennai - 600 018.
3. The Tahsildhar,
Madavaram Taluk,
Madavaram, Chennai - 600 060.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioners dated 03.12.2013 and 19.09.2016 as per law with regard to the petitioner's property at Vadagarai Village, Madavaram Taluk, Thiruvallur District comprised in Survey No.73/2 (Patta No.95) new re-survey Nos.73/13, 73/16, 73/17, 73/19, total extent ad measuring 23, 047.46 Sq.ft in respect of road widening of the M.H.Road.

For Petitioners : Mr.D.R.Sivakumar

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

1. The case of the petitioners who are all close relations, is that they owned separate plots of land comprised in Survey No.73/2 (patta No.95) that totally measures about 23,000 sq.ft. In the entire property the petitioners have constructed a huge

shed, something like a ware house. When they came to know that there was a proposal to acquire the land for widening the road, they immediately approached the first respondent with their representation dated 03-12-2013 along with their documents of title, Patta and allied revenue documents. This was followed by several personal follow-ups, still nothing was heard on any of them. While so, to the surprise of the petitioners they saw a Notice dated 10.09.2016 affixed on the wall of the godown conveying to the petitioners that they would be dispossessed from the property pursuant to land acquisition. The petitioners wanted to ascertain whether their property was actually involved in the acquisition and approached the Authorities with a Representation dated 19.09.2016. As nothing was heard, petitioners have come forward with a present petition for issuing a Writ of Mandamus to consider the representation of them.

3. The learned counsel for the petitioners submitted that even as earlier as in 2013, petitioners have made a representation dated 03.12.2013. The learned counsel for the petitioners submitted that the petitioners have purchased the property in August and September, 2011, and that both their predecessors in title themselves have been issued with separate Patta still the Land Acquisition Authority appear to treat the property as a Poramboke property.

4. Mr.Akhil Akbar Ali, the learned Government Advocate appearing for the respondents replied that the Government has not foreclosed the options of the petitioners to establish their title over the property and if the petitioners could establish the same, the Authorities are willing to make necessary corrections. The Government has filed the counter affidavit, where, it has indicated that the properties of the petitioners have been classified as Government Poramboke in the Revenue Records, but also conveyed his readiness to consider the representations of the petitioner on its own merit.

5. In view of the foregoing submissions made by rival side, this Court disposes this case with a direction to the respondents to issue separate notices to each of the petitioners at their addresses given in the petition within four weeks from the date of receipt of a copy of this order, whereupon, the petitioners may appear before the Land Acquisition Authority with relevant material particulars if they are desirous of responding to such notices within the time stipulated in the notice, whereinafter, the concerned Authority/first respondent shall decide the matter in accordance with law.

6. There shall be an order of injunction not to disturb the possession of the petitioners' property in Survey No.73/2 till the first respondent decides the issue on petitioners' title to the said property.

7. Accordingly, this Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

mrr

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Collector,
TNUDP - III,
New Street, Opp:Corporation Office,
Alandur,
Chennai - 600 016.
2. The Assistant Engineer (Highways),
The Tamil Nadu Highways Department,
C.M.D.P., Sub-Division-12, Part-24, Division -05,
Salai Amman Koil Street, Teynampet,
Chennai - 600 018.
3. The Tahsildhar,
Madavaram Taluk,
Madavaram, Chennai - 600 060.

+1cc to Mr.D.Ramalingam, Advocate Sr.No.15104
+1cc to Government Pleader Sr.No.17145

NRL(CO)
sm:26.4.2018

सत्यमेव जयते

W.P.No.37377 of 2016

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