

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.30712 of 2018

and

W.M.P.Nos.35834 and 35835 of 2018

K.Aranganathan

.. Petitioner

Vs.

The Tahsildar
Tambaram Taluk,
Tambaram,
Kanchipuram District

.. Respondent

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the respondent in his proceedings in Na.Ka.No.3884/2018/Aa1 dated 27.09.2018 and quash the same.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for issuance of Writ of Certiorari to call for the records of the respondent in his proceedings in Na.Ka.No.3884/2018/Aa1 dated 27.09.2018 and quash the same.

2. The petitioner is the owner of an extent of 1661 sq.ft of land in Survey No.204/1B at Nanmangalam Village, Kanchipuram District and has been in possession and enjoyment of the said land. The petitioner had also obtained patta in his favour in respect of the said land. While so, the respondent has issued a notice, wherein, it is stated that it is proposed to acquire the land in Survey No.204/1B in Nanmangalam Village for the purpose of extension of water channel running from Nanmangalam Vilalge to Kilkattalai lake.

3. The impugned order dated 27.09.2018 in Na.Ka.No.3884/2018/Aa1 issued by the Tahsildar, Tambaram is a notice calling upon the petitioner to appear before him for negotiation with respect to the portion of the land required for them which belongs to the petitioner.

4. The contention of the petitioner is that the said channel referred to in the impugned notice itself is encroached upon by various persons. Instead of removing the encroachment and widening the channel, the respondent wants to acquire fresh lands to widen the channel. Even presuming that the patta lands belonging to the individuals are required for the said purpose, the same has to be done only under procedures known to law and the respondent has got no authority to call the petitioners for negotiations. It is not even stated in the impugned notice as to what is the extent of land required from the petitioner.

5. Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondent has produced the files. A perusal of the files would show that there has been number of notices issued to several persons in that area in stereo-typed manner. Though in the impugned notice filed by the petitioner, even the date of negotiation is not mentioned, the petitioner had appeared before the authorities and raised objections orally. A perusal of the records would show that excepting two of the persons, who have given the written objections for the lands being acquired, there is absolutely no recording of the objections raised by the other land owners. The issuance of the impugned notice is done by the respondent mechanically without any application of mind even without considering as to whether the lands are required, what is the extent of land required etc., The act of the respondent only seems to be an abuse of process of law in the absence of any authority to do so. Hence, the same is liable to be set aside.

6. Accordingly, the impugned order dated 27.09.2018 is quashed and the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Srn

To

The Tahsildar
Tambaram Taluk,
Tambaram,
Kanchipuram District.

+1 cc to Mr.Amar D.Pandiya, Advocate Sr.No.85633

W.P. No.30712 of 2018
and

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MR(CO)
CSL/09.01.2019



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