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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.70 of 2015

and

M.P(MD)No.1 of 2015

1.The Director General of Police,
Chennai - 600 004.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli - 20.

3.The Deputy Commissioner of Police,
(Law and Order) Tiruchirappalli.

4.The Assistant Commissioner of Police,
Armed Reserve Police,
Tiruchirappalli.

... Appellants/Respondents
Vs.

K.Damodharan ... Respondent/Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 27.11.2014 made in W.P(MD)No.19263 of 2014, on the file of this Court.

Prayer in WP(MD). 19263/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs. 10,62,48,471/- towards compensation for the private acquisition of the land comprised in SF No. 5/7B New T.S NO. 4/1 measuring to an extent of Ac 1.24 cents K.Sathanur Village ,Srirengam Taluk, Tiruchirappalli District.

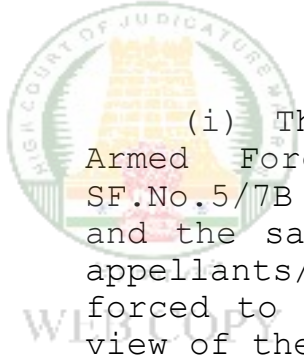
For Appellants : Mrs.J.Padmaavathi Devi,
Special Government Pleader.

For Respondent : Ms.L.Victoria Gowri

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

This writ appeal is preferred by the Government challenging the order, dated 27.11.2014 passed in W.P(MD)No.19263 of 2014.



(i) There seems to be an acquisition for expansion of City Armed Force through the Government. In fact, the land in SF.No.5/7B measuring an extent of 1 acre 25 cents was not acquired and the same was under the unlawful and illegal possession of the appellants/respondents. The respondent/writ petitioner School was forced to deprive of its title and possession of the said land in view of the act of the appellants/respondents.

(ii) Hence, the respondent/writ petitioner filed W.P(MD)No.4588 of 2009, for a Mandamus directing the second and third respondents therein to hand over the writ petitioner's land in Survey No.5/7-B, measuring 1.24 acres situated in K.Sathanur Village, Trichy District, which was allowed on 28.08.2009.

(iii) Aggrieved over the same, the Government preferred W.A(MD) No.144 of 2010, which was dismissed on 19.07.2010.

(iv) Subsequently, a proposal was sent to the Principal Secretary and the Commissioner for Land Administration for sanction of the acquisition of the writ petitioner's land at the guideline value of Rs.10,62,63,471/- and the same was accepted by the respondent/writ petitioner.

(v) As there was no response, the respondent/writ petitioner filed W.P(MD)No.19263 of 2014 for a Mandamus directing the respondents to pay a sum of Rs.10,62,83,471/- towards compensation for the private acquisition of the land comprised in SF.No.5/7B, New T.S.No.4/1 measuring to an extent of 1 acre 25 cents in K.Sathanur Village.

(vi) The learned Single Judge, vide order dated 27.11.2014, disposed of the Writ Petition directing the respondents to pay the above said amounts.

(vii) As against the said order, the present Writ Appeal has been preferred by the Government.

3. In the meanwhile, the respondent/writ petitioner had filed another Writ Petition in W.P(MD)No.8326 of 2018 for a Mandamus directing the respondents therein to consider the representation and direct them to implement the proceedings of the first respondent, dated 27.08.2008 and to comply with the orders passed in W.P(MD) No.4588 of 2009, dated 28.08.2009.

4. This Court disposed of the Writ Petition in W.P(MD)No.8326 of 2018 on 05.09.2018 recording that the lands in dispute were measured by the Commissioner appointed by this Court and they were recovered from the appellants/respondents and fencing was also put up. Therefore, the said lands were taken by the respondent/writ petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Since possession of the land in dispute had already been



taken by the respondent/writ petitioner, nothing survives for adjudication in the present Writ Appeal.

6. With the above observation, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS-I)

To

1. The Director General of Police,
Chennai - 600 004.
2. The Commissioner of Police,
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4. The Assistant Commissioner of Police,
Armed Reserve Police,
Tiruchirappalli.

+1cc to Mr.L.VICTORIA GOWRI, Advocate, SR.No. 88429

+1cc to M/s.Special Government Pleader, SR.No. 88710

W.A (MD) No.70 of 2015
03.10.2018

PS

KK/RP/SAR-1/22.11.2018/3P-7C