



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.15932 of 2011

K.Dhandapani

...Petitioner

Versus

1.The Special Tahsildar,
Land Acquisition,
Additional Incharge,
Inner Ring Road Project,
Guindy, Chennai.

2.The Special Tahsildar,
Land Acquisition,
Inner Ring Road Project,
10, Abdul Razzack Road,
Saidapet, Chennai-15.

3.The Executive Engineer,
PWD, Inner Ring Road Project,
Krishna Water VIII Project,
Chepauk, Chennai-6.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents, their men or agent or contractors or anybody acting through or under their supervision from trespassing into the petitioners' land in Old S.No.24/6, New S.No.24/6A of Madipakkam-Madura Puzhuthivakkam Village, Tambaram Taluk, Kanchipuram District measuring 0.25.5 Hectares without authority of law.

For Petitioner : Mr.S.Raveekumar

For Respondents : Mr.M.Elumalai
Government Advocate



O R D E R

This writ petition has been filed seeking for issuance of Mandamus, forbearing the respondents, their men or agent or contractors or anybody acting through or under their supervision from trespassing into the petitioners' land in Old S.No.24/6, New S.No.24/6A of Madipakkam-Madura Puzhuthivakkam Village, Tambaram Taluk, Kanchipuram District measuring 0.25.5 Hectares without authority of law.

2.The petitioner is the co-owner of the property in Old S.No.24/6, New S.No.24/6A of Madipakkam-Madura Puzhuthivakkam Village, Tambaram Taluk, Kanchipuram District alongwith his kins viz., K.Nagarajan, K.Balasundaram, K.Sridhar and their mother Mrs.K.Pattammal and all of them have executed a power of attorney in favor of the petitioner and the same is still in force. The respondents have initially acquired 0.01.0 Hectors of land out of 0.26.5 Hectors following the procedure prescribed under the Land Acquisition Act for the extension of the Inner Ring Road and laying canal for regulating water flow. The balance of 0.25.5 Hectors of land remains with the petitioner and other co-owners. The respondents have started construction work in the acquired land. However, according to the petitioner the employees of the respondents have acquired some extent of land and has been utilizing the same for the construction works, which belongs to the petitioner. Hence, the present petition.

3.Heard both sides.

4.The learned counsel for the petitioner would submit that the respondent's employees have already put steel rods and other construction materials into the petitioner's property without any authority. He further submitted that the respondents have already utilized the acquired area and they were carrying out work in the petitioner's land.

5.The learned Government Advocate would submit that the Government has utilized only to the extent of the property which was acquired from the petitioner for the purpose of extension of road and laying canal and the construction work has also been started. The Government has not acquired any more property from the petitioner. He further submitted that the writ petition is filed at a premature stage. Therefore, he seeks to dismiss the petition.

6.There is no doubt that the a part of the petitioner's land was acquired by the Government for extension of inner ring road



and for laying canal and work is in progress. However, the petitioner feels that the Government is trying to acquiring his left over land also. This Court, without going into the merits of the case, directs the respondents not to encroach the petitioner's left over property without due process of law.

7. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rm

To

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+1cc to Government Pleader SR.No.68928

W.P. No.15932 of 2011

AD(CO)
GMY(27/09/2019)