

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:09.01.2019
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN
W.P.Nos.13009 to 13012 of 2006
and
MP.Nos.14598 to 14601 of 2006

1.S.Durairaj

... Petitioner (in WP.No.13009 of 2006)

2.M.Jayaraman

... Petitioner (in WP.No.13010 of 2006)

3.G.Saroja

... Petitioner (in WP.No.13011 of 2006)

4.G.Manoharan

... Petitioner (in WP.No.13012 of 2006)

Versus

1.The Collector,
Vellore District, Vellore.

2.The Tahsildar,
Arakkonam Taluk,
Arakkonam.

3. The General Manager,
Southern Railway,
Park Town, Chennai-3.

... Respondents in
all the writ petitions

Common Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from constructing a Railway track over the petitioners lands in S.Nos.108/3B, 103/1,2,3,4,11A & 15, 108/2A & 107/2C, and 103/11, respectively Melpakkam Village, Arakkonam, Vellore District., except by due process of law.

For Petitioners : Mr. G.Jeremiah
For Respondents : Mr.Akhil Akbar Ali
Government Advocate for R1&2
Mr.P.T.Ramkumar for R3
in all writ petitions.

COMMON ORDER

The relief sought for in the writ petitions are to forbear the respondent from constructing the railway track over the petitioners lands in S.Nos.108/3B, 103/1,2,3,4,11A & 15, 108/2A & 107/2C, and 103/11, Melpakkam Village, Arakkonam, Vellore District, except by due process of law.

2. The grievances of the writ petitioners are that, they are the owners of the land to the extent of 0.25.5, 1.17.0, 0.76.5 hectors and 0.66 acres of land comprised in S.Nos.108/3B, 103/1,2,3,4,11A & 15, 108/2A & 107/2C, and 103/11 respectively, situated at Melpakkam village, Arakkonam Taluk. The 2nd respondent/Tahsildar conducted a survey for the purpose of acquiring the land for Commissioning Railway Track. The acquisition proceedings were completed in all respects and the railway track also had been laid and now the entire property is under possession of the Southern Railway.

3. However, the learned counsel for the writ petitioners states that the just compensation to be paid has not been disbursed to the writ petitioners. In this regard, it is made clear that, the compensation if any due to the writ petitioners is to be paid in accordance with law and the writ petitioners is also liberty to approach the Competent Authority by the way of application for the purpose of claiming compensation and in the event of receiving any such application, the case of the writ petitioners are to be considered on merits and in accordance with law.

4. In respect of the payment of compensation as far as the acquisition proceedings are concerned, the proceedings concluded and the railway tracks are with the usage of the Southern Railway and no further consideration is required in this regard. Accordingly, the writ petitioners are at liberty to approach the Authorities for the purpose of receiving compensation alone and in respect of all other grounds raised in the present writ petitions. The writ petition stands rejected.

5. With these observations, the writ petitions stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The Collector,
Vellore District, Vellore.

2.The Tahsildar,
Arakkonam Taluk,
Arakkonam.

3. The General Manager,
Southern Railway,
Park Town, Chennai-3.

+4cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.2572 to 2575

W.P.Nos.13009 to 13012 of 2006

MG (CO)
GSP (08/02/2019)



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