IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.26015 & 26016 of 2004
and
W.P.M.P.Nos.31607 & 31608 of 2004

S.Veerachandran ... Petitioner in W.P.No.26015 of 2004

S.Nehru ... Petitioner in W.P.No.26016 of 2004

Vs

1. The Divisional Revenue Officer,
   Office of the Divisional Revenue Officer,
   Thiruvallur District.

2. The Tahsildar,
   Ambattur,
   Chennai. ... Respondents in both W.Ps

Prayer in W.P.No.26015 of 2004: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of mandamus, forbearing the respondents, their subordinates, officials, servants or any one acting on their behalf from interfering with peaceful possession and enjoyment of petitioner's property at No.1/1, Ulaganathapuram I Main Road, Thazhankuppam, Ennore, Chennai - 600 057 situated in S.No.13/3 (part) admeasuring an extent of 11.25 cents more fully described in petition schedule.

Prayer in W.P.No.26016 of 2004: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of mandamus, forbearing the respondents, their subordinates, officials, servants or any one acting on their behalf from interfering with peaceful possession and enjoyment of petitioner's property at No.1/1, Ulaganathapuram I Main Road, Thazhankuppam, Ennore, Chennai - 600 057 situated in S.No.13/3 (part) admeasuring an extent of 6 cents more fully described in petition schedule.

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For Petitioner : Mr.V.Raghavachari

For Respondents: Mrs.K.Bhuvaneswari,
Additional Government Pleader

COMMON ORDER

The grievance of the petitioners is that though the lands in survey No.1/1, Ulaganathapuram I Main Road, Thazhankuppam, Ennore, Chennai-600 057 measuring 11.25 cents and 6 cents were acquired, the possession still continues with them and therefore they have filed a present writ petitions seeking for mandamus, forbearing the respondents from interfering with the possession.

2. The Sub Collector, Ponneri has filed a counter affidavit dated 01.08.2005 on behalf of the respondents, in which he has categorically stated that earlier some of the land owners challenged the land acquisition proceedings which came to be rejected in the writ petition as well as in the writ appeal. Subsequently, the occupants of the acquired lands were treated as unauthorised occupants and were evicted under Section 16 read with Section 12 of the Land Acquisition Act. Thereafter, the possession of the lands have been handed over to the Education Department. While that being so, the prayer sought for in the present writ petition cannot be considered, in the light of the subsequent developments.

3. At this juncture, the learned counsel for the petitioner submitted that even after the land acquisition proceedings, their lands have been kept idle and have not been utilized for the purpose for which they were acquired. When that being so, the remedy available to the petitioners is to approach the concerned authorities for reclaiming the lands.

4. In the light of the statements made in the counter affidavit, the relief sought for in the present writ petitions cannot be granted. If the petitioners are of the view that the lands are still un-utilised, liberty is granted to the petitioners to make an appropriate applications before the authorities concerned for reclaiming the lands. The Writ petitions stands closed accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vum

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To

1. The Divisional Revenue Officer,
   Office of the Divisional Revenue Officer,
   Thiruvallur District.

2. The Tahsildar,
   Ambattur,
   Chennai.

+1cc to Mr.V.Raghavachari, Advocate SR.No.38589

+1cc to Government Pleader SR.No.38859

W.P.Nos.26015 & 26016 of 2004
and
W.P.M.P.Nos.31607 & 31608 of 2004

VBA(CO)
GMY(18/06/2019)

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