

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 5172 of 2010

1. Mr.K.Jayakumar
2. Mr.K.Jayachandran ..Petitioners

Vs

1. The State of Tamil Nadu
rep by the Secretary
Highways Department,
Fort St.George, Chennai - 9.
 2. Divisional Engineer (H)
Tamil Nadu Urban Development Project III, Division-II
Super Bazaar Complex, New Street,
Alandur Municipality Building,
Alandur, Chennai - 16.
 3. The District Revenue Officer,
Land and Estate Department,
Corporation of Chennai
Chennai-3.
 4. The Assistant Commissioner
Corporation of Chennai
Zone-10, No.115,
Dr.Muthulakshmi Salai,
Adyar, Chennai - 20.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the Respondents to pay the Petitioners herein, the compensation for the land of the extent of about 3000 Sq.ft., about 3000 Sq.ft., 7 cents acquired for laying the Service Road in S.No.268/2A of Velacherry Village, between the premises in Plot No. 1A in present S.No. 268/12 and Plot No. 1B in the present S.No. 268/8 and the 100 Feet wide Taramani-Velacherry Road.

For Petitioners : Mr.K.S.V.Prasad
For Respondents : Mr.M.Elumalai,
Government Advocate,
for R1 & R2.
Mr.S.Saravanan
for R3 & R4.

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the Respondents to pay compensation to the petitioners for the land to an extent of about 3000 Sq.ft., 7 cents acquired for laying the Service Road in S.No.268/2A of Velacherry Village, between the premises in Plot No. 1A in present S.No. 268/12 and Plot No. 1B in the present S.No. 268/8 and the 100 Feet wide Taramani-Velacherry Road.

2. The case of the petitioners is that the second petitioner is the owner of the land and house bearing No. 1/A and land and building bearing No. 1B, in 7th Main Road, in Old Survey No, 268/2A1 and present S.Nos. 268/12 and 268/8 respectively, in Velacherry Village, Mambalam-Guindy Taluk. Chennai.

3. The petitioners' present holding of the land to an extent of 5796 sq.ft. or 13 cents was originally a part of a big extent of 64 cents of land and it belonged to their grandmother. After her demise it was inherited and enjoyed by her sons. During the year 1974, a part of the land out of the total extent of 64 cents (on measurements 66 cents,) in S.No. 268/2A, was acquired by Highways Department for laying 100 feet wide road through it, leaving pieces of our land, on either side of it. Subsequently, the Highways Department had paid compensation for acquisition of 40 cents of land. The Highways Department acquired only 40 cents and since the total extent of land was 66 cents, the petitioners applied for copies of FMP and realized that for 7.5 cents North portion, they have not received any compensation. The second petitioner made a representation to the Chief Engineer General PWD General Highways Department on 15.10.2007 for payment of compensation, and thereafter, on 03.03.2008 another representation was made. Subsequently, the petitioners made representations on 22.04.2008 and 28.05.2008 for payment of compensation.

4. The learned counsel appearing for the petitioners would submit that no notification under Section 4(1) of the Land Acquisition Act was issued by the respondents, with regard to acquisition of excess land and no compensation

was paid to the petitioners. However, a Service road had been laid by the respondents in the petitioners' land. Hence, the present writ petition is filed.

5. The learned counsel appearing for the respondents agreed to the disposal of the representation dated 09.03.2009. The petitioners have to send a fresh copy of the representation along with this order copy in order to enable the 3rd respondent pass appropriate orders within a period of two weeks from the date of receipt of this order.

6. This Court is inclined to issue a direction to the third respondent - Chennai Corporation to pass appropriate orders on the representation dated 09.03.2009 in the manner known to law within a period of six weeks from the date of receipt of the fresh copy of the representation.

7. Accordingly, the present writ petition stand disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary State of Tamil Nadu
Highways Department,
Fort St.George, Chennai - 9.
 2. Divisional Engineer (H)
Tamil Nadu Urban Development Project III, Division-II
Super Bazaar Complex, New Street,
Alandur Municipality Building,
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Chennai-3.
 4. The Assistant Commissioner
Corporation of Chennai
Zone-10, No.115,
Dr.Muthulakshmi Salai,Adyar, Chennai - 20.
- +2ccs to Mr.K.S.V.Prasad , Advocate SR.No. 65768
+1cc to Mr.S.Saravanan , Advocate SR.No. 65968
+1 cc to Government Pleader Sr.No. 66328

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A.SK(19/11/2019)