

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.2988 of 2014 &
M.P.Nos.1 & 2 of 2014

A.Ponnudurai

...

Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.

3.The District Collector,
Cuddalore,
Cuddalore District.

4.The Land Acquisition Officer and
Special Tahsildar,
(Land Acquisition), Housing Board Scheme,
Cuddalore -1.

5.The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

6.The Tahsildar,
Cuddalore - 1.

7.Sri Bhagavanthar and
Sri.Dayanandhar Madalayam,
Rep. by its Hereditary Trustee,
Pudupalayam, Cuddalore.

... Respondents



WEB COPY

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to forbear from disturbing the peaceful possession and enjoyment of lands situated at Velichemmandalam Village, Cuddalore Taluk, Cuddalore District in S.No.28/1, measuring 0.47 acres, 1.33 acres and in S.No.28/2, measuring 0.23 acres, 0.33 acres aggregating in all 2.36 acres respectively in lieu of Section 3(1) of the Tamil Nadu cultivating Tenants Protection Act, 1955 except through due process of law as the petitioner is an cultivating tenant for the 46 years.

For Petitioner :Mr.Ashok Menon

For Respondents:Mr.M.Elumalai

Government Advocate for R1, R3, R5 & R6

Mr.S.Vanchinathan for R2 & R4

O R D E R

When the matter came up for hearing on 04.04.2019, this Court appointed one Mr.D.Jagadeesan, learned Advocate Commissioner to inspect the lands in S.No.28/1 measuring 0.47 acres, 1.33 acres and in S.No.28/2, measuring 0.23 acres, 0.33 acres at Velichammandalam Village, Cuddalore Taluk, Cuddalore District and file a report before this Court.

2. Today, the learned Advocate Commissioner has filed a report stating that there was no crops in the subject property and there is no trace of any crops harvested recently and to prove the same, he has also produced photographs.

3. This Court, on an earlier occasion indicated if the petitioner makes any false statement, necessary costs would be imposed. As it could be seen from the report of the learned Advocate Commissioner that no crops are standing in the subject property and there is no trace of any crops harvested recently and therefore, it is clear that the statement of the petitioner is absolutely incorrect and it is a misleading statement before this Court.

4. At this juncture, the learned counsel for the petitioner, seeks permission of this Court to withdraw the Writ Petition.

5. Though this Court is inclined to impose cost on the petitioner, considering the submission made by the learned counsel for the petitioner and also considering the nature of work done by the learned Advocate Commissioner, this Court directs the petitioner to pay additional remuneration of Rs.15,000/- (Rupees Fifteen Thousand only) and the respondents-Housing Board is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the learned Advocate Commissioner as additional remuneration within a period of one week from the date of receipt of a copy of this order. If any default, it is open to the learned Advocate Commissioner to file an application before this Court for "clarification" .

6. In view of the above, this Writ Petition is dismissed as withdrawn. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

r n s

To

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
- 3.The District Collector,
Cuddalore,
Cuddalore District.
- 4.The Land Acquisition Officer and
Special Tahsildar,
(Land Acquisition), Housing Board Scheme,
Cuddalore -1.

5.The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

6.The Tahsildar,
Cuddalore - 1.

+2ccs to Mr.Ashok Menon, Advocate, S.R.No.37471
+1cc to Mr.S.Vanchinathan, Advocate, S.R.No.37626
+1cc to the Government Pleader, S.R.No.37722

W.P.No.2988 of 2014 &
M.P.Nos.1 & 2 of 2014

PP (CO)

RRS (22/04/2019)



WEB COPY