

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

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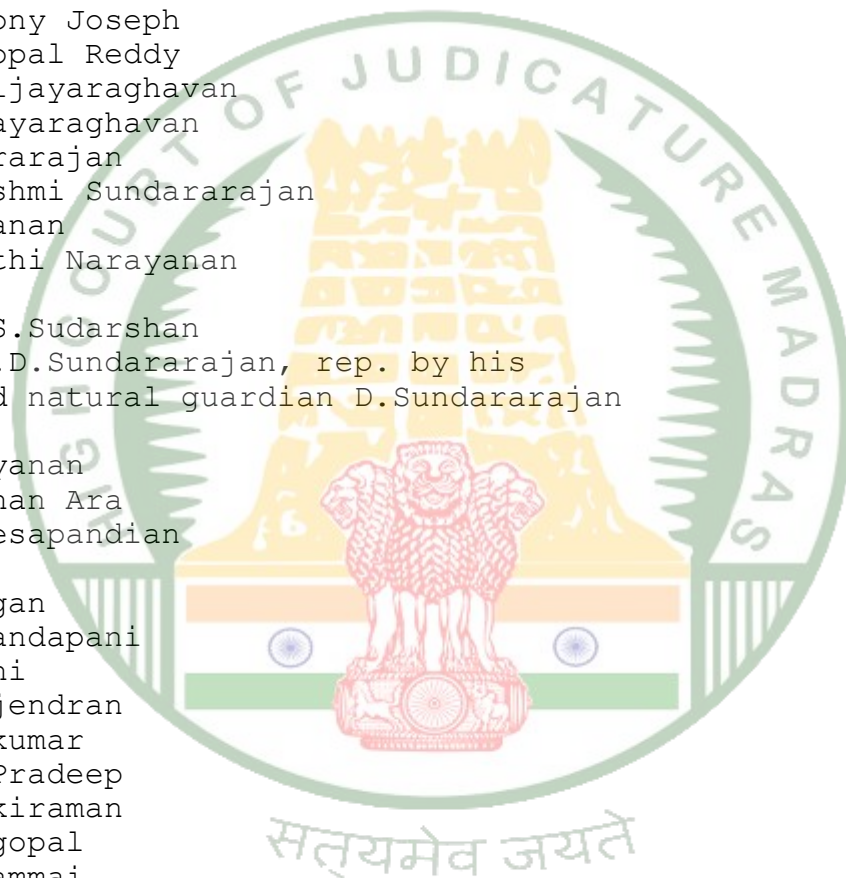
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25771 of 2007

and

M.P.No.2 of 2007

- 1.Leo Antony Joseph
- 2.S.Venugopal Reddy
- 3.Vidya Vijayaraghavan
- 4.N.V.Vijayaraghavan
- 5.D.Sundararajan
- 6.Rajalakshmi Sundararajan
- 7.D.Narayanan
- 8.Saraswathi Narayanan
- 9.Master S.Sudarshan
Minor S/o.D.Sundararajan, rep. by his
Father and natural guardian D.Sundararajan
- 10.Y.Narayanan
- 11.A.Gulshan Ara
- 12.Katheresapandian
- 13.K.Ravi
- 14.P.Murugan
- 15.A.R.Dhandapani
- 16.A.Sruthi
- 17.S.B.Rajendran
- 18.Y.Arunkumar
- 19.K.S.P.Pradeep
- 20.N.Janakiraman
- 21.S.Venugopal
- 22.N.Maiyammai
- 23.S.Devaki
- 24.Venkataraman
- 25.J.Pushpavathi
- 26.K.R.Mani
- 27.C.S.Lakshmanan
- 28.R.Marimuthu
- 29.G.S.Lathashankar
- 30.D.Malarvizhi
- 31.C.S.Kumar
- 32.Celine Pushparaj
- 33.S.Manjumathi
- 34.K.Shanmuganathan



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35.S.Balasubramanian
36.G.Kumaravel
37.K.Karthikeyan
38.T.Sundaresan
39.R.lakshmi
40.R.Sundaram
41.P.Vanitha
42.P.Murugan
43.Amareshwari
44.V.Sambasivam
45.S.N.Kumaresan
46.M.Natarajan
47.Dr.G.Sekar

...Petitioners

Vs.

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

2.The Chairman and Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35

3.The District Collector
Kancheepuram District
Kancheepuram

4.The Special Tahsildar
(Land Acquisition Unit V)
Tamil Nadu Housing Board
Nandanam, Chennai-35

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records in pursuant to the impugned notification issued under Section 4(1) of the Land Acquisition Act, 1894 (Central Act 1 of 1894) which was published in Tamil Nadu Government Gazettee dated 29.11.2006 and quash the same.

For Petitioners : Mr.R.Prem Narayan
For Respondents : Mr.J..Ramesh, AGP

O R D E R

The Writ petition has been filed by the petitioners, to issue a writ of Certiorari, to call for the records in pursuant to the impugned notification issued under Section 4(1) of the

Land Acquisition Act, 1894 (Central Act 1 of 1894) which was published in Tamil Nadu Government Gazette dated 29.11.2006 and quash the same.

2.The learned counsel appearing for the petitioners would submit that the petitioners are the Housing Plot owners of Chemmanchery Village, Tambaram Taluk, Kancheepuram District. They purchased their respective Housing Plots through various layouts through real estate companies and from the original owners concerned. The layout of House sites on Survey No.407, 385/4 was originally formed by the employees of M/s.S.R.P. Tools Company for the welfare of the employees during the year 1982-83. The layout of house sites in Survey No.410 Part, 411/1, 2, 3 was formed as Sri Ganapathi Nagar Colony and the petitioners had purchased their respective Housing Plots from this layout. The layouts were formulated in Survey No.385/2003 also. Further, some of the petitioners have already obtained proper approval from the C.M.D.A. For the construction of houses. While being so, the State Government published an impugned 4(1) notification in the Tamil Daily "Dinakaran" on 19.11.2006 stating that the land acquisition proceedings have been initiated under the Land Acquisition Central Act 1 of 1894 (hereinafter referred to as the Act) in respect of the Survey Nos.378, 379, 382, 383, 384, 385, 407, 408, 410, 411 and the respective sub divisions in the above Survey Numbers. Pursuant to the paper publication under Section 4(1) notification under the Act, was published in the Tamil Nadu Government Gazette on 29.11.2006. On seeing the notification the petitioners made an enquiry with the respondents and more specifically the Tamil Nadu Housing Board, who in turn informed that the land acquisition proceedings are initiated for the formation of "Chemmanchery Neighbourhood Scheme" in Kancheepuram District by the Tamil Nadu Housing Board. Immediately thereafter, the petitioners submitted their respective individual objection before the Special Tahsildar, Land Acquisition stating that the personal land acquisition for the formation of Neighbourhood Scheme by the Tamil Nadu Housing Board had already been divided as housing plots and layouts were formulated and the petitioners had purchased the housing plots in that locality. Challenging the said 4(1) notification, the present writ petition has been filed.

3.The learned Additional Government Pleader would submit that the petitioners were given only 4(1) Notification under the Land Acquisition Act (Central Act 1 of 1894). Further enquiry under Section 5(a) of the Act will be conducted by the Special Tahsildar (Land Acquisition Unit -V) and then declaration will be issued. The petitioners have approached this Court at the premature stage i.e. immediately after the 4(1) notification. Accordingly, prays for dismissal of the petition.

4.In view of the above submissions made by the learned Additional Government Pleader, this court is inclined to dismiss the writ petition.

5.This writ petition stands dismissed accordingly. However, the petitioners are granted liberty to work out the remedy in the manner known to law once the declaration is issued under Section 6 of the Land Acquisition Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To.

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

2.The Chairman and Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35

3.The District Collector
Kancheepuram District
Kancheepuram

4.The Special Tahsildar
(Land Acquisition Unit V)
Tamil Nadu Housing Board
Nandanam, Chennai-35

+1cc to Government Pleader sr.47487

W.P.No.25771 of 2007
and
M.P.No.2 of 2007

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