

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.4740 of 2014
and M.P.No.1 of 2014

1.O.S.Elumalai

2.A.Mohan

3.Bharathi

4.Visalatchi

5.Selvi

6.Minor Viswanathan

7.Minor Kamaraj ... Petitioners
(minor petitioners 6 & 7 are rep by mother and natural guardian
Bharathi

Vs.

1.The District Collector,
Kanchipuram District, Kanchipuram.

2.The Tahsildar,
Chengalpet Taluk, Chengalpet,
Kanchipuram District.

3.The Block Development Officer,
Kattangulathur, Chengalpet Taluk,
Kanchipuram District.

4.Meena Shanmugam ... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents not to put up any water storage tank or any other structure in the petitioner's lands in Old S.No.434/2B1A, New S.No.477, Ozhalur Village without following the due process of law.

For Petitioners: Mr.T.Sathiyamoorthy

For Respondents: Ms.A.Madhumathi,

Special Government Pleader (R1 & R2)

Mr.S.Babu (R3)
R4 - no appearance

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the respondents not to put up any water storage tank or any other structure in the petitioner's lands in Old S.No.434/2B1A, New S.No.477, Ozhalur Village without following the due process of law.

2.This Court, by order dated 20.02.2014, while ordering notice to the respondents, granted an order of interim injunction.

3.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents 1 & 2 submitted that the respondents have put up the water storage tank even prior to the grant of interim injunction. Further, the learned Special Government Pleader submitted that she got instructions, even from the 3rd respondent, to the effect that appropriate compensation would be paid to the petitioners in respect of the lands over which the water storage tank has been constructed.

4.The learned counsel appearing for the 3rd respondent also re-iterated the stand of the learned Special Government Pleader.

5.It is not in dispute that the water storage tank has been constructed on the lands belonging to the petitioners, hence, the petitioners are entitled for compensation.

6.When the official respondents are prepared to pay the compensation, Mr.T.Sathiyamoorthy, learned counsel for the petitioners, on instructions, submitted that the petitioners are also willing to receive the compensation in respect of the lands over which the water storage tank has been constructed.

7.In view of the submissions made by the learned counsel on either side, since the petitioners are entitled for compensation in respect of the lands over which the water storage tank has been constructed, I direct the respondents 1 and 3 to take steps for paying appropriate compensation for the lands belonging to the petitioners. The respondents 1 and 3 shall initiate steps and pass necessary orders for the payment of the compensation to the petitioners as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.

8. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Kanchipuram District, Kanchipuram.
2. The Tahsildar,
Chengalpet Taluk, Chengalpet,
Kanchipuram District.
3. The Block Development Officer,
Kattangulathur, Chengalpet Taluk,
Kanchipuram District.

W.P.No.4740 of 2014
and M.P.No.1 of 2014

SPD (CO)
SP (28/10/2020)