

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18049 of 2020 &
WMP.No.22417 of 2020

R.Jothikrishnan

... Petitioner

Vs.

The Land Acquisition Officer &
Revenue Divisional Officer,
Central Revenue Division,
Anna Nagar West (Extn)
Chennai 600 101.

.. Respondent

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents from proceeding against the petitioner's property situate in Old S.No.121, T.S.No.93, Village No.106, Koyambedu Village, Saidapet Taluk pursuant to the notice dated 25.08.2020 issued by the respondent under section 3(2) of T.N. Acquisition of Land for Industrial Purposes Act., Act 10 of 1999 addressed to Smt.Saradambal and others in respect of S.No.93/1a & 93/1b Block 42 .

For Petitioner: Mr.R.Subramanian

For Respondents: Mr.V.Anandamurthy, AGP

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus forbearing the respondent from proceeding further with the enquiry that has been initiated under the provisions of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1999.

2. The case of the petitioner is that he is the absolute owner of the subject property. The further case of the petitioner is that an attempt was made by the Highways Authority claiming for a right over this property. The petitioner therefore filed a suit before this Court in C.S.No.13 of 2020 seeking for the relief of declaration of title and permanent injunction against the Highways Department.

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3. The further case of the petitioner is that in the meantime, a notice was served under section 3(2) of the Act by the respondent. However, the petitioner found that the notice has been addressed in the name of one Saradambal and others which pertains to a different survey number and according to the petitioner this notice ought not to have been served on the petitioner since the present subject property is not the subject matter of acquisition under the Act.

4. It is further stated that in the pending suit, this Court had appointed an Advocate Commissioner to inspect the subject property and filed a report and a final report has also been filed by the Advocate Commissioner along with all the enclosures on 26.09.2020.

5. The grievance of the petitioner is that the petitioner has already given an objection on 8.10.2020 for the notice that was issued to the petitioner. According to the petitioner, steps are being taken by the officials to come into the property and thereby the possession and enjoyment of the petitioner is being disturbed. Therefore the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.R.Subramanian, learned counsel for the petitioner and Mr.V.Anandha Murthy, learned Addl. Govt. Pleader appearing for the respondent.

7. The learned Addl. Govt. Pleader appearing on behalf of the respondent submitted that the respondent will conduct an enquiry based on the objections given by the petitioner. The learned counsel further submitted that whoever has an interest in the property that is sought to be acquired, will also be called at the time of enquiry and a decision will be taken after considering all the objections.

8. In view of the specific stand taken by the respondent, this Writ petition is disposed of with a direction to the respondent to take into consideration the objections submitted by the petitioner and conduct an enquiry and all the interested parties shall be called at the time of enquiry and thereafter a decision shall be taken and the respondent can proceed further in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

msr

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To

The Land Acquisition Officer &
Revenue Divisional Officer,
Central Revenue Division,
Anna Nagar West (Extn)
Chennai 600 101.

+lcc to Mr.R.Subramanian, Advocate SR.40589

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GMR (CO)
CB (20/01/2021)



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