

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
&
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

**O.S.A.No.445 of 2018 &
W.P.No.9285 of 2020 &
WMP.Nos.11320, 11318 & 11319 of 2020**

O.S.A.No.445 of 2018

1. K. Pugazhenth
2. P. Janakiraman

... Appellants in OSA.No.445
of 2018

Vs

1. Administrator General of Tamilnadu,
having office at Annex to the City Civil
Court Buildings,
Chennai 600 104.
 2. Mrs. J.Deepa
 3. Mr. J. Deepak
- (R2 and R3 suo motu impleaded as party
respondents vide court order dated 15.11.2018
made in O.S.A.No.445/2018 (NKKJ & AQJ)

... Respondents in
OSA.445/2018

W.P.No.9285 of 2020

J. Deepak

..Petitioner in
W.P.No.9285 of 2020

VS.

1. The Secretary to Govt.,
Govt. of Tamilnadu,
Tamil Development and Information
Department, St. George Fort,
Chennai 600 009.

2. The District Collector,
Chennai Collectorate,
"Singaravelan Maaligai",
Rajaji Salai, Chennai 600001.

3. The Land Acquisition Officer
cum Revenue Divisional Officer,
South Chennai Revenue Division,
Guindy, Chennai 600 032.

4. The Tahsildar,
Mylapore Taluk,
Mylapore, Chennai

..Respondents in
W.P.No.9285 of 2020

O.S.A.No.445 of 2018: Original Side Appeal filed under Order 36, Rule 1 of O.S. Rules, read with Clause 15 of Letters Patent) against the fair and Decretal order passed by the learned Judge dated 09.01.2018 made in O.P.Diary No.35654 of 2017.

W.P.No.9285 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Celliorarified Mandamus to call for the records of impugned land acquisition proceedings initiated on the basis of G.O.No.180 dated 05.10.2017 of the 1st respondent and subsequent Preliminary Notice No.A1/3476/2018 Form - IV dated 25.06.2019, Notice A1/3496/2018 Form-V dated 28.06.2019, Notice No.01, A1/3476/2017 Form-VI dated 04.5.2020, and Public Notices in Rc.A1/3476/2018 dated 19.05.2020 under the provisions of RFCTLARR Act/Rules by the Respondents 2 and 3 and quash the same as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of powers and consequently direct the respondents to consider the petitioner's objections dated 29.12.2018, 06.07.2019, 07.05.2020, 01.06.2020 and 01.07.2020 thereby to drop the entire Land Acquisition Proceedings from

converting the Residential House "Veda Nilayam" bearing Old Door No.36, New Door No.79, Present Door No.81, Poes Garden, Chennai 600086 into a Memorial.

For appellants in OSA : Mr. N.S. Nandakumar
For petitioner in WP &
R3 in OSA : Mr. S.L. Sudarsanam
For official Respondents
in OSA and WP. : Mr. S.R. Rajagopal, AAG
assisted by
Mr. V. Jayaprakash Narayanan, GP
for R1, 2 & 4 in WP
Mr.E.Manohar, G.P., for R3 in WP

ORDER

(Delivered by Dr.Vineet Kothari, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 3rd July 2020, by Judges at their respective residences and the counsel, staff of the Court appearing from their respective residences.

2. The matters have been placed before us by the orders of the Honourable the Chief Justice on the administrative side passed on 30.07.2020, upon the order of the learned Single Judge dated 16.07.2020 passed in W.P.No.9285 of 2020 filed by Mr.J.Deepak.

3. It was brought to our notice today that another W.P.No.10135 of 2020 has been filed by the sister of the said J.Deepak, namely Ms.J.Deepa

and it came up before the same learned Single Judge on 07.08.2020, wherein, the learned Single Judge is said to have passed an order that the said WP.No.10135 of 2020 may also be tagged along with OSA No.445 of 2018 filed by Mr.A.Pugalenth and another, against the Administration General of Tamilnadu and four others.

4. These two writ petitions appear to have been filed apparently challenging the land acquisition proceedings initiated by the State in respect of the residence of the former Chief Minister 'Veda Nilayam', Poes Garden, Chennai. Since the two writ petitions filed by the present writ petitioner, J.Deepak and sister (J. Deepa) may have common points, we should await the listing of W.P.No.10135 of 2020 also, subject to the orders of the Hon'ble Chief Justice.

5. List the matters next week.

[V.K.,J.]

[K.R.,J.]

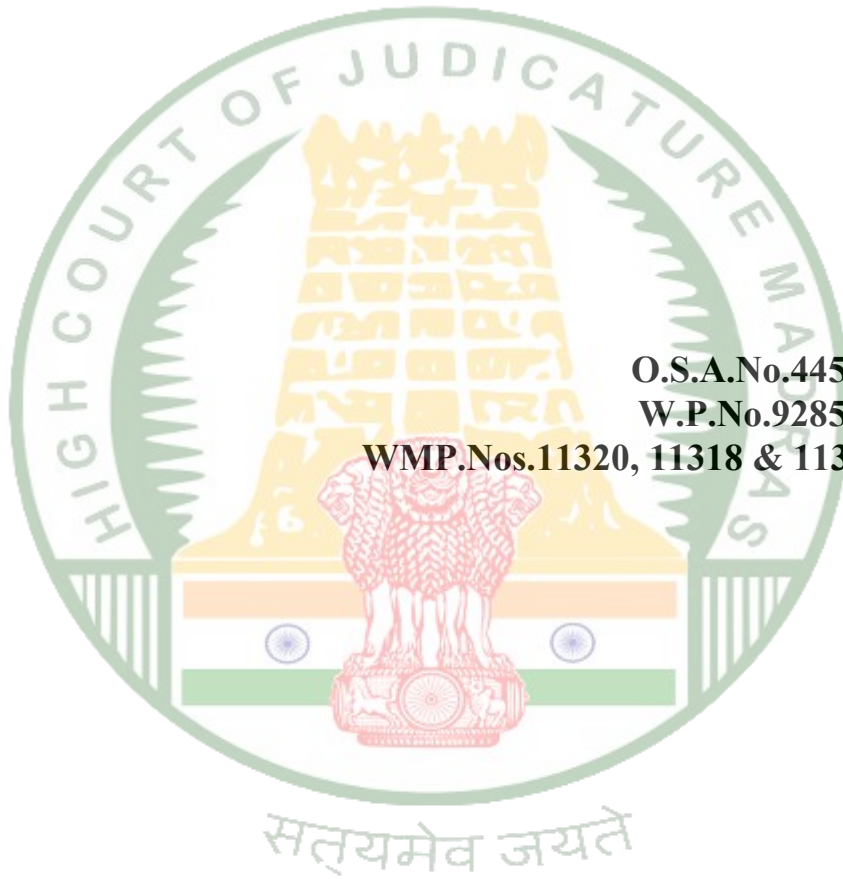
12.08.2020

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**DR. VINEET KOTHARI, J. &
KRISHNAN RAMASAMY,J.**

msr



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