



ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to restore the petitioners' patta lands in survey No.16/1 situated at Kayaar village, Chengalpet Taluk and District.

2. According to the petitioners, the land comprised in survey No.16/1 situated at Kayaar village, Chengalpet Taluk was belonged to one Nagammal, who in turn executed a power of attorney of one K.Chitra for selling the said land. The petitioners purchased the said land from the power holder by a registered sale deed dated 22.03.2001 by two separate sale deeds to an extent of 1.22 ½ acres each vide document Nos.655 & 656 of 2001. From the date of purchase, they are in possession and occupation of the said land. The patta was also issued in their name in Patta No.1463. Due to their old age, they are not able to engage agricultural operations. They later came to understand that the respondents formed a link road in and over the said property. The respondents, without acquiring the land, trespassed into the property and laid the road. It is nothing but a short of land grabbing by the Government agency. The said land comprising in survey No.16/1 situated at Kayaar village, Chengalpet Taluk.

3. The respondents filed a counter stating that the road was in existence in the said land comprised in survey No.16/1 and the public was using the same for more than 50 years. There were four roads in the locality known as Medavakkam to Mambakkam Road, Kayar Road, Kayar Vembedu Road and Sembakkam Vembedu Road. These roads were classified as other 'District Roads'. Over the years, traffic in these roads increased manifold and therefore the Government decided to combine all the four roads as a single road and to upgrade the same as Major District Road bearing No.633. Therefore, there is no question without following the procedure as contemplated under the Land Acquisition Act, the respondents laid the road. The respondents did not lay any new road in the land in question. There were roads which were being used by the general public for the past more than 50 years.

4. It is further revealed that the roads have been combined as a single road upgraded to Major District Road bearing MDR No.633 vide G.O.Ms.No.124/Highways (HN-1)/Department, dated 04.08.2006 to a length of 26.80 km. and named as Medavakkam-Mambakkam Sembakkam Road. Subsequently, the Government accorded sanction to improve the road and to maintain as Major District Road vide G.O.Ms.No.122/Highways & Minor Ports (HN-1)/Department, dated 02.08.2010. However, as per Highways Department records, the said land comprised in survey No.16/1 is mentioned as road. It is also indicated in the Village map that the Highways Road passes through survey No.16/1. After up-gradation of the Major District Road from



other District Roads the Government has accorded permission vide G.O.Ms.No.122/H&MP (HN-1) Department, dated 02.08.2010 to strengthen and widen to two lane. Based on the above, the road was widened from single lane to two lanes without any change in the alignment of the existing road.

5. A perusal of the affidavit shows that it is completely acted in violation of laws such as the respondents, without acquiring the land, trespassed into the property and laid the road. It is also unbelievable that the petitioners came to know that the respondents have formed the link road in and over their property, as due to their old age, they were unable to engage in agricultural operations and thereafter they came to know that the respondents have formed the link road in the said property. It is not at all possible for the respondents to form the road in the entire property ad-measuring 2.45 acres comprised in survey No.16/1, on a single day. Further, the petitioners claimed title through the sale deeds executed in their favour. The property ad-measuring 2.45 acres that too meant for agricultural properties, it cannot be just like that engaged the entire extent of property laid road in one day. Therefore, this Writ Petition is devoid of merits.

6. In view of the above, the Writ Petition stands dismissed. No cost.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Lpp

To

1. The Secretary to Government,
PWD Highways Department,
St.Fort George,
Chennai - 600 009.
2. The Chief Engineer,
PWD Highways Department,
Chepauk,
Chennai - 600 002.
3. The Divisional Engineer,
PWD Highways,
Construction and Management,
Chengalpet, Kancheepuram District.



4. The Divisional Engineer,
PWD Highways Division - 2,
Chennai Metropolitan Development &
Planning,
Diamond Buildings,
Guindy, Chennai - 600 032.

5. The Tahsildar,
Tiruporur Taluk,
Chengalpet District.

+1cc to Mr.V.Raghavachari, Advocate SR.No.38731

+1cc to Government Pleader SR.No.38844

W.P. No.11279 of 2012

KSM(CO)
GMY(18/10/2021)