



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.1591 of 2015

Veeyel Enterprises,
No.13/3, Trunk Road, Nazarethpet,
Poonamallee, Chennai - 123.
Rep. By its Managing Partner
Mr.S.P.Lakshmanan

... Appellant

Versus

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Highways & Minor Ports (NH2) Department,
Fort St. George, Chennai - 9.

2.The District Collector,
Thiruvallur District, Thiruvallur.

3.The District Revenue Officer/
Land Acquisition Officer,
CMDA, Koyambedu,
Chennai - 92.

4.The Tahsildar (Land Acquisition),
Chennai Outer Ring Road Project,
Tamil Nadu Road Development Company,
Chennai Outer Ring Road,
Koyambedu, Chennai - 92.

5.Tamil Nadu Road Development Company Ltd.,
Rep. By its Managing Director,
No.171, 2nd Floor,
Tamil Nadu Maritime Board Building,
Raja Annamalai Puram,
Chennai - 28.

.. Respondents

Prayer: Writ Appeal has been filed under Section 15 of Letter of Patent against the order dated 22.09.2015 passed in W.P.No.20881 of 2015 by the learned Single Judge of this Court.



Prayer in W.P.NO.20881 of 2015:

It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ of Mandamus restraining the respondents from dispossessing the petitioner from their property viz. comprised in Survey No.13/3A new sub divided Survey No.13/3A2 situated at Village No.48 Varadharajapuram Village measuring 7250 sq.mtrs at No.13/3 Trunk Road , Nazarethpet, Poonamallee, Chennai-600 123.

For Appellant

:Mr.D.Balaraman

For R1 to R4

: Mr.V.Manoharan, GA

For R5

: Mr.M.Sivavarthan

JUDGMENT

(Judgment of the Court was delivered by T.RAJA, J.)

M/s.Veeyel Enterprises, represented by its Managing Director Mr.S.P.Lakshmanan, has filed W.P.No.20881 of 2015 seeking for issuance of a writ of mandamus restraining the respondents from dispossessing the writ petitioner from their property viz., comprised in Survey No.13/3A, new sub divided Survey No.13/3A2, situated at Village No.48, Varadharajapuram Village, measuring 7250 sq.mtrs. at No.13/3, Trunk Road, Nazarethpet, Poonamallee, Chennai.

2. Originally, challenging the acquisition proceedings, the writ petitioner had filed W.P.Nos.8171 and 8527 of 2014 and these writ petitions were dismissed by the learned Single Judge on 23.09.2014 and as against the same, when writ appeals were filed in W.A.Nos.1462 and 1463 of 2014, learned Division Bench also dismissed the said writ appeals on 22.06.2015 and again being aggrieved, when SLP was preferred, the Hon'ble Apex Court also dismissed the stay petition on 25.08.2015. In the second round of litigation, changing the prayer, the appellant has filed the present writ petition. Thus, by taking note of all these admitted facts, learned Single Judge dismissed the above said W.P.No.20881 of 2015 on 22.09.2014, with a direction to the writ petitioner to hand over the possession of the land to the respondents within a period of four weeks. Aggrieved by the same, the present writ appeal has been filed.

3. When the matter is taken up, Mr.Sivavarthan, learned counsel for the fifth respondent/Tamil Nadu Road Development Company Limited, Chennai/Implementing Authority, submitted that final award was already passed by the authority way back on 20.07.2020 and thereupon, the compensation was paid to the land owner and possession was also handed over to the authority



concerned. Thus, nothing survives for further adjudication in this matter.

4. Admittedly, as stated above, the writ petitioner has lost his legal battle in the first round of litigation in W.A.Nos.1462 and 1463 of 2014, whereby, learned Division Bench, by order dated 22.06.2015, dismissed the said writ appeals by confirming the order passed by the learned Single Judge in W.P.No.8171 and 8527 of 2014, dated 23.09.2014. Against which, when SLP was preferred, the prayer for stay petition was rejected on 25.08.2015 by the Hon'ble Apex Court. In the second round of litigation, the prayer in the writ petition was to restrain the respondents from dispossessing the writ petitioner from their property in question. However, since the possession of the land in question has already been handed over to the authority concerned by the writ petitioner on receiving the compensation, we are of the view that nothing survives for further adjudication in the present appeal and accordingly, the writ appeal stands dismissed as infructuous. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rkm
To

1.The Secretary to Government,
Highways & Minor Ports (NH2) Department,
Fort St. George, Chennai - 9.

2.The District Collector,
Thiruvallur District, Thiruvallur.

3.The District Revenue Officer/
Land Acquisition Officer,
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4.The Tahsildar (Land Acquisition),
Chennai Outer Ring Road Project,
Tamil Nadu Road Development Company,
Chennai Outer Ring Road,
Koyambedu, Chennai - 92.

+lcc to the Government Pleader Sr.33550

W.A No.1591 of 2015

jpl[col]
srg 06/08/2021