

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.Nos.348 to 350 of 2021
and C.M.P.Nos.1395, 1397 and 1398 of 2021

W.A.No.348 of 2021

- 1.The Chief Secretary to Government,
State Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600 009.
 - 2.The Secretary to Government,
Revenue Department, State Government of
Tamil Nadu, Secretariat, Fort St. George,
Chennai 600 009.
 - 3.The Secretary to Government,
Public Works Department,
State Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600 009.
 - 4.The District Collector,
Chennai Collectorate, 4th Floor,
Singaravelar Maligai, No.62, Rajaji Salai,
Chennai 600 001.
 - 5.The Land Acquisition Officer cum
Revenue Divisional Officer,
South Chennai Division, Guindy,
Chennai 600 032.
- .. Appellants

-vs-

- 1.J.Deepa Jayakumar
 - 2.The Deputy Commissioner of Income Tax,
Central Circle II (2), New No.46, Old No.108,
Mahatma Gandhi Road, Nungambakkam,
Chennai 600 034.
- .. Respondents

W.A.Nos.349 and 350 of 2021

1.The Secretary to Government,
Government of Tamil Nadu,
Tamil Development and Information Dept.,
St. George Fort, Chennai 600 009.

2.The District Collector,
Chennai Collectorate,
Singaravelar Maligai, Rajaji Salai,
Chennai 600 001.

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

4.The Tahsildar
Mylapore Taluk, Mylapore,
Chennai 600 004.

... Appellants in both
appeals

-vs-

1.J.Deepak

... 1st respondent in
both appeals

2.Puratchi Thalavi Dr.J.Jayalalitha
Memorial Foundation, Rep. by its
Chairperson, St. George Fort,
Chennai 600 009.

... 2nd respondent
in W.A.349/2021

Appeals filed under Clause 15 of the Letters Patent against the order dated 27.01.2021 passed in W.P.Nos.9285 and 10135 of 2020 and 1708 of 2021 and W.M.P.Nos.11319, 12319 of 2020 and 1917 of 2021 on the file of this Court.

W.A.348/2021 in W.P.Nos.10135/2020 and W.M.P.Nos.12319/2020:

Pleased to issue a Writ (or) order (or) direction particularly in the nature of Writ of Certiorari to call for the entire records pertaining to the order of the 5th respondent Award No.01/2020 in R.C.No.A1/ 3476/ 2018 in dated 22.07.2020 in view of the land acquisition proceedings in converting "Veda Nilayam" as Memorial under RFCTLARR Act 2013 and quash the same.

W.A.349/2021 in W.P.No.1708/2021 and W.M.P.No.1917/2021:

Writ of Certiorarified Mandamus or any other appropriate Writ, direction or order Calling for the records of the 3rd respondent and quash the impugned Award No. 01/2020 made in R.C.No.A1/ 3476/ 2018 dated 22.07.2020 on the file of the 3rd Respondent as the same is perverse, arbitrary, biased , illegal , untenable , smacks of malafide and colourable exercise of power and consequently cancel the entire land Acquisition proceedings from converting the Residential House "Veda Nilayam" into a Memorial and further direct the respondents to handover the possession of the Home bearing Old Door No. 36 present Door No. 81 "Veda Nilayam" Poes Garden Chennai- 600 086.

W.A.No.350/2021 in W.P.Nos.9285/2020:

Writ of Certiorarified Mandamus or any other appropriate Writ, direction or order Calling 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 04.05.2020 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 petitioners 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 Hiuse bearing Old Door No. 36, New Door No. 79 Present Door No. 81 "Veda Nilayam" Poes Garden Chennai 600 086 into a memorial.

For Appellants in : Mr.Vijay Narayan
all appeals Advocate-General
assisted by
Mr.V.Jayaprakash Narayanan,
State Government Pleader
and
Mr.E.Manoharan,
Special Government Pleader

For Respondents : Mr.K.V.Sundararajan
in WA.348 of 2021 for R-1
: Mr.T.R.Senthil Kumar
Stdg. Counsel for R-2

For 1st respondent : Mr.AR.L.Sundaresan
in WA 349 of 2021 and Sr. Counsel
sole respondent in for Mr.S.L.Sudarsanam
WA 350 of 2021

COMMON JUDGMENT
(Delivered by The Hon'ble Chief Justice)

All three appeals arise out of a common order of January 27, 2021, passed at the interim stage of proceedings under Article 226 of the Constitution challenging acquisition proceedings initiated by the State under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. At the time when the appeal was received, an interim order was made by virtue of which the position as to possession has been preserved and the State has been permitted to retain the keys to the property. The order of injunction contained in the impugned order insofar as it restrained the access of public to the property in question, has not been interfered with.

3. Since the relevant petition under Article 226 of the Constitution has ripened for hearing before the learned Single Bench, no useful purpose would be served in either proceeding with the present appeals or expressing any further views on the matter.

4. Accordingly, W.A.Nos.348 to 350 of 2021 are disposed of by leaving the parties free to work out their remedies before the Court of first instance. It is made clear that any observations here will not bind the learned Single Bench which will be entitled to proceed with the matter in accordance with law. The interim order as modified by the appellate order passed on January 29, 2021, will continue to govern the matters till the disposal of the writ petitions.

There will be no order as to costs. Consequently, C.M.P.Nos.1395, 1397 and 1398 of 2021 stand closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chief Secretary to Government,
State Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600 009.

- 2.The Secretary to Government,
Revenue Department, State Government of
Tamil Nadu, Secretariat, Fort St. George,
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- 3.The Secretary to Government,
Public Works Department,
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- 6.The Deputy Commissioner of Income Tax,
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- 7.The Chairperson,
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Memorial Foundation, St. George Fort,
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- 8.The Secretary to Government
Government of Tamil Nadu
Tamil Development and Information Department
St. George Fort. Chennai 600 009.
- 9.The Tahsildar
Mylapore Taluk, Mylapore
Chennai 600 004

+1 CC to The Government Pleader sr 10293, 10294, 10295
+1 CC to Mr.T.R.Senthil Kumar, Advocate sr 10255
+2 Ccs to Mr.S.L.Sudarsanam, Advocate sr 10514

W.A.Nos.348 to 350 of 2021

AD(CO)
SP(03/03/2021)