



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.2789 to 2798 & 3484 of 2011

and

M.P.Nos.1 and 2 of 2011 (in all W.Ps)

K.C.KUMAR	...PETITIONER in WP No.2789 of 2011
M.ESWARI	...PETITIONER in WP No.2790 of 2011
K.SAGUNTHALA	...PETITIONER in WP No.2791 of 2011
P.SEKAR	...PETITIONER in WP No.2792 of 2011
R.KRISHNA KUMAR	...PETITIONER in WP No.2793 of 2011
D.VISWANATHAN	...PETITIONER in WP No.2794 of 2011
N.KAVITHA	...PETITIONER in WP No.2795 of 2011
K.MADHUSUDHANAN	...PETITIONER in WP No.2796 of 2011
T.RAVI	...PETITIONER in WP No.2797 of 2011
P.MEENAKSHI	...PETITIONER in WP No.2798 of 2011
S. DHARMENDRAN	...1 st PETITIONER in WP No.3484 of 2011
S. SUGUMAR	...2 nd PETITIONER in WP No.3484 of 2011

Vs

1. The State of Tamil Nadu,
rep.by its Secretary,
Housing and Urban Development,
Fort St.George, Chennai-600 035.
2. The Tamil Nadu Housing Board,
rep.by its Managing Director,
Nandanam, Chennai-600 035.
3. Special Tahsildar, (L.A.),
previously, Special Deputy Collector,
Neighbourhood Schemes (Ambattur),
The Tamil Nadu Housing Board,
T.N.H.B.shopping complex at
Thirumangalam, Chennai-600 101. ...Respondents in all WPs

Prayer :-

WP No.2789 OF 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents or any other authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the petitioners' premises viz., House and Ground



bearing Plot No.43, measuring 2295 sq.ft., out of 82 cents in Survey No.574/1B4 (now sub-divided as 574/1B4C as per patta No.2073), situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77).

WP No.2790 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.1, measuring 1230 sq ft., out of 82 cents in Survey No.574/1B4 situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2791 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.10, measuring 1225 sq ft., out of 82 cents in Survey No.574/1B4 situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2792 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., Vacant House Plot No.3, measuring 880 sq ft., out of 82 cents in Survey No.574/1B4 situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2793 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.9-A, measuring 581 sq ft., out of 82 cents in Survey No.574/1B4 (now sub-divided as 574/10 as per patta No.2111) situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)



WP No.2794 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.2, measuring 1370 sq ft., out of 82 cents in Survey No.574/1B4 (now as per patta T.S.No.8) situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2795 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.6, measuring 960 sq ft., out of 82 cents in Survey No.574/1B4 situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2796 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.5, measuring 972 sq ft., out of 82 cents in Survey No.574/1B4 (now sub-divided as 574/1B4A as per patta No.1022), situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2797 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.8, measuring 1356 sq ft., out of 82 cents in Survey No.574/1B4 situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.2798 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the Respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and



enjoyment of the Petitioners premises viz., House and Ground bearing Plot No.42, measuring 2355 sq ft., out of 82 cents in Survey No.574/1B4 (now as per patta no.2079 sub-divided as 574/1B4B2) situated at Jeevarathinam Street & Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai-77)

WP No.3484 of 2011

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents or any other Authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the petitioners premises viz., House and Ground bearing Plot No.9B, measuring 581 sq.ft., out of 82 cents in Survey No. 574/1B4, situated at Jeevarathinam Street and Nagar, Ambattur Village, Tiruvallur District (previously called as Ayappakkam, Chennai 77)

In all W.Ps

For Petitioner : Mr.Rajarajan
For Respondents : Mr.M.R.Gokul Krishnan
Nos 1 & 3 : Government Advocate
For Respondent 2 : Mr.M.Baskar, Standing Counsel.

O R D E R

These Writ Petitions have been filed to issue a Writ of Mandamus, forbearing the respondents or any other authorities claiming on their behalf from in any way interfering with the peaceful possession and enjoyment of the petitioners' premises.

2. All the petitioners have purchased their respective house plots out of 32 cents land in survey No.574/1B4, situated at Ambattur Village, Tiruvallur District. The second respondent has resolved for the acquisition of lands in Ambattur and 10 other villages totalling 6289.17 cents for the formation of New Housing Colony known as "Ambattur Neighbourhood Scheme" for providing housing facilities to the industrial workers in and around Ambattur. Out of the above extent of land an extent of 147.72 cents of lands in Ambattur Village forms part of the total scheme area of 6289.17 cents. Section 4(1) notification was approved by the Government in G.O.Rt.No.267, Housing, dated 24.10.1975. It was published in the Tamil Nadu Government Gazette notification on 12.11.1975. Section 4(1) notification was published on 26.11.1975. The enquiry under Section 5(A) was posted on 30.03.1976 and some of the land owners were appeared for enquiry and raised their objections. After considering their objections and overruled on their same by receiving all grounds from the acquisition body. Thereafter, the draft



declaration under Section 6 of the Land Acquisition Act was approved by the Government in G.O.Ms.No.1504, Housing and Urban Development dated 07.11.1978 and the same was published in the Tamil Nadu Government Gazette on 10.11.1978. The award enquiry was conducted under Sections 9(3) and 10 on 16.07.1985 and 21.10.1985. Thereafter, the award was passed on 23.09.1986 in Award No.13 of 1986. The 0.50 cents out of 0.82 cents comprised in survey No.574/1B4 was handed over to the Tamil Nadu Housing Board on 04.02.1987.

3. Insofar as the land comprised in survey No.574/1B4 to an extent of 0.82 cents originally stands in the name of one Kistappan in Patta No.109. Subsequently, the said extent of 0.32 cents was purchased by one C.Jeevarathinam. He challenged the acquisition proceedings in respect of the land comprised in survey No.574/1B4 to an extent of 0.32 cents in W.P.No.11578 of 1983 and the same was allowed by this Court by an order dated 30.10.1991 and the entire land acquisition proceedings in respect of the subject land was quashed by this Court. Thereafter, the said C.Jeevarathinam layout into the house plots. From the said layout all the petitioners purchased their house plots for a valid sale consideration.

4. A perusal of the counter reveals that insofar as 0.32 cents of land comprised in survey No.574/1B4 is concerned, the said C.Jeevarathinam filed a writ petition and the same was allowed and the land acquisition proceedings in respect of the subject property was quashed by this Court. Though the respondents have passed the award and the award amount was deposited in the Civil Court, the entire acquisition proceedings was quashed by this Court and aggrieved by the same, the Tamil Nadu Housing Board did not file any appeal even till day. Therefore, the entire acquisition proceeding was quashed, insofar as the petitioners lands are concerned and it had attained finality. All the petitioners are still in possession and enjoyment of the respective housing plots.

5. In view of the above, the respondents are forbore from interfering with the peaceful possession and enjoyment of the respective house plots comprised in survey No.574/1B4 situated at Jeevarathinam Street, Ambattur Village, Tiruvallur District, except by due process of law. It is made clear that if the respondents succeed in the writ appeal they are at liberty to take possession of the petitioners' property by due process of law.



6. With the above direction, these Writ Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Housing and Urban Development,
Fort St.George, Chennai-600 035.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.
3. The Special Tahsildar, (L.A.),
previously, Special Deputy Collector,
Neighbourhood Schemes (Ambattur),
The Tamil Nadu Housing Board,
T.N.H.B.shopping complex at
Thirumangalam, Chennai-600 101.

+1cc to Mr.M.V.Suryanarayana Reddy, Advocate, Sr.No.50076
+1cc to the Government Pleader, Sr.No.50472

W.P.Nos.2789 to 2798 & 3484 of 2011
and M.P.Nos.1 and 2 of 2011 (in all W.Ps)

EV(CO)
KKV/25/11/2021