

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 9267 of 2018
and
W.M.P.No.11068 of 2018

K.M. Chandra

..Petitioner

Vs

1. The Executive Engineer,
Southern Railway,
Construction of B.G. Line,
Thiruthuraipoondi - Thirukuvalai,
Nagapattinam, Thiruvarur,
Thiruvarur District.
2. The Deputy Chief Engineer,
Southern Railway,
Construction of B.G. Line,
Thiruthuraipoondi - Thirukuvalai,
Thiruthuraipoondi, Nagapattinam,
Thiruvarur District.
3. The Revenue Divisional Officer,
RDO Office, Mannargudi,
Thiruvarur District.
4. The District Collector,
Collectorate,
Thiruvarur District.
Thiruvarur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents not to disturb the petitioner possession in Survey No.14/2B at Thiruthuraipoondi Town belonging to the petitioner in any manner and especially for the formation of the New B.G. Railway Track of Thiruthuraipoondi - Thirukovalai - Nagapattinam.

For Petitioner : Mr.K.M. Subrahmaniam

For RR 1&2 : Mr.P.T. Ramkumar
Standing Counsel

For RR 3&4 : Mr.M.Elumalai
Additional Government Pleader

O R D E R

This Writ Petition is filed by the petitioner for issuing a Writ of Mandamus, directing the respondents not to disturb the petitioner's possession in respect of land in Survey No.14/2B at Thiruthuraipoondi Town for the formation of New B.G.Railway Track between Thiruthuraipoondi to Thirukovalai - Nagapattinam.

2. The case of the petitioner is that he is the owner of the landed property comprised in Survey No.14/2B, to an extent of 0.0675 hectares at Thiruthuraipoondi Town. It is stated that the 3rd respondent acquired certain other lands for formation and construction of new B.G.Line in 2012. Though it is admitted that the respondent proposed to acquire some other land for the scheme, it is stated by the petitioner that the acquisition was opposed by the owner of a Community Hall adjacent to petitioner's land as the acquisition will result in demolition of the Community Hall to some extent. It is stated by the petitioner that the respondents 1 & 2 by misusing their power, have now encroached into a portion of the petitioner's land to save the Community Hall Building. The petitioner states that the respondents are trying to encroach into the petitioner's land in Survey No.14/2B without due process of law. The respondents however submit before this Court that no part of the petitioner's property in Survey No.14/2B, is to be acquired.

3. Even according to the petitioner no acquisition proceedings has been initiated in respect of Survey No.14/2B.

4. The learned counsel appearing for the petitioner repeatedly states that the petitioner's property is sought to be acquired without giving notice or following due process of law. This submission does not appear to be based on any material. Survey No.14/2B is not acquired for any other public purpose. If the petitioner has any problem relating to identity or with regard to the location or Sub-division, the petitioner may work out her right by approaching the authorities in a proper manner. If there is any dispute with regard to boundary or location, the Revenue Officials may undertake to survey the land in the presence of the petitioner as well as others who are interested. Respondents 3 and 4 are directed to conduct a survey to fix the boundary in the presence of the petitioner as well as the Revenue Officials in respect of Survey Nos. 14/2A and 14/2B. If there is a dispute, the petitioner has to establish his rights in the manner known to law. If the petitioner is in enjoyment of a portion of the property acquired and the petitioner is in settled possession, it is open to the respondents to take appropriate action as per law.

5. With the above observations, the Writ Petition is closed. No costs. Consequently, W.M.P.No.11068 of 2018 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Executive Engineer,
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3. The Revenue Divisional Officer,
RDO Office, Mannargudi,
Thiruvarur District.
4. The District Collector,
Collectorate,
Thiruvarur District, Thiruvarur.

+1cc to Mr. P.T.Ram Kumar, Advocate SR.No. 20444
+1 cc to Government Pleader Sr.No. 21026

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GPL(CO)
A.SK(13.07.2021)

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