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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

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THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.6840 of 2021

and

W.P.No.15893 of 2021

BLB Estates (P) Ltd.,
No.21, Chinnaiah Street,
T.Nagar, Chennai - 600 017 .. 1st Petitioner in both WPs.

2.K.Kovalan
3.I.Selvakumar
4.S.Maniramji
5.S.Rukmani Devi
6.S.Manjula
7.S.Kamakshi
8.M.Rajakumar
9.R.Sridhar

.. 2 to 9 Petitioners
(in W.P.No.15893 of 2021)

Vs.

1.The District Collector,
Kancheepuram District,
Office of the District Collector,
Kancheepuram.

2.The Tahsildar,
Kundrathur Taluk Office,
Kundrathur Main Road,
Subramaniyam Nagar.

.. Respondents in both WPs.

Prayer in W.P.No.6840 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to conduct proper land acquisition proceedings for the lands utilized for construction of diversion canal to Adyar river, near the Check Dam, more particularly in Plot No.28, Lakshmi Katatsam Nagar, Extent 4472,



comprised in S.No.81/2, vide Patta No.13935, as per patta new survey No.81/5, at No.34, Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District by giving proper opportunity to the land owner for being heard/to make representation and to award suitable compensation for the land acquired in the manner known to law.

Prayer in W.P.No.15893 of 2021:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to conduct proper land acquisition proceedings for the lands utilized for construction of diversion canal to Adayar river, near the Check Dam, more particularly in Plot Nos.24, 26, 27, 211, 212, 213, 229, 230, 231, 232, 233, 234, 235 and 236 "Lakshmi Katatsam Nagar, comprised in Survey Nos.81/2 and 82 of an total extent of 9,475 sq.ft at No.34, Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District,, by giving proper opportunity to the petitioners / land owners for being heard to make representation and to award suitable compensation for the land acquired in the manner known to law.

For Petitioners .. M/s.Rank Accociates

For Respondents .. Mr.K.M.D.Muhilan

COMMON ORDER

Since both the writ petitions relates to acquisition of practically the same layout of lands in S.No.81/2 Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District, and since arguments were advanced and more or less on the same issues by the learned counsel for the petitioners and also by the learned Government Advocate, a common order is passed in both the writ petitions.

2.Writ petitioner in W.P.No.6840 of 2021 had purchased the property in plot No.28, Lakshmi Katatsam Nagar, measuring to an extent of 4472 sq.ft in S.No.81/2 as aforementioned. The petitioners in W.P.No.15893 of 2021 had purchased plot Nos.24, 26, 27, 211, 212, 213, 229, 230, 231, 232, 233, 234, 235 and 236 again in the same S.Nos.81/2 and 82, Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District. They had purchased the said property / plots on various dates in June 2016 and also in the year 2013. They claimed to be in possession of the said



lands. In November 2020, it is alleged by the respondents particularly, the 2nd respondent / Tashildar, Kundrathur Taluk had entered into the said land and dug up the said lands, and he claimed that acquisition proceedings had been initiated. However, the petitioners were in the dark about the nature of acquisition proceedings and therefore, issued notices questioning the said acts.

3.The petitioner in W.P.No.6840 of 2021 and also the petitioners in W.P.No.15893 of 2021 had issued a legal notice on 02.11.2020. They had issued another reminder on 19.12.2020. They protested with respect to the construction work by digging a diversion canal without proper acquisition notice, which work was commenced in November 2020. The writ petitioners in both the writ petitions had received a letter dated 20.11.2020 sent to the counsels wherein, it was stated by the 1st respondent / District Collector, Kancheepuram District, that he had asked the Tashildar to examine the actual position and revert back.

4.A counter affidavit is now filed by the 2nd respondent in W.P.No.6840 of 2021, which counter affidavit can be adopted even for W.P.No.15893 of 2021, since the facts are same. In the said counter it had been stated that preliminary work had been done by the PWD to prevent the overflow of water during flood.

5.Let me not enter into a discussion whether such work done in the year 2020 was essential or not, at any rate that is the stand taken in the counter affidavit. It had been further stated that the 2nd respondent was awaiting for the administration sanction for acquisition of the land from the Government and had undertaken that if such administration sanction is obtained, then procedure known to law will be followed and more particularly the petitioners would to put on notice and also heard before any order is passed.

6.I am confident that the said counter affidavit answers the apprehension raised by the petitioners in both the writ petitions. The said stand in the counter affidavit is also affirmed by Mr.K.M.D.Muhilan, learned Government Advocate.

7.Therefore, both the writ petitions are disposed of with a direction particularly to the 2nd respondent to adhere to the procedure as established by law and inform the petitioners



after receiving administrative sanction and also put them on notice and hear them and conduct enquiry and thereafter, complete the process.

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8.Mr.K.M.D.Muhilan, learned Government Advocate, states that administrative sanction has actually been given, but requests that time limit need not be fixed for completion of the necessary procedures since, fixing of time line may not workout even to the advantage of the petitioners herein and proper procedures have to be followed by the respondents before proceeding further. But I am confident that necessary opportunity will be given to the petitioner prior to digging of the lands on acquisition and prior to finalizing acquisition procedures.

9.With the said observations, both the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

smv

To:

1.The District Collector,
Kancheepuram District,
Office of the District Collector,
Kancheepuram.

2.The Tahsildar,
Kundrathur Taluk Office,
Kundrathur Main Road,
Subramaniam Nagar.

+1cc to the Government Pleader, S.R.No.39788

W.P.No.6840 of 2021
and

W.P.No.15893 of 2021

VG-II(CO)
SB(03/09/2021)