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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.8247 AND 9566 OF 2019

AND

W.M.P.NOS.8802 AND 10184 OF 2019

W.P.No.8247 of 2019

Chennakrishnan

...Petitioner

Vs

1.The District Collector,
Dharmapuri District.

2.The Thasildar,
Harur,
Harur Taluk,
Dharmapuri District.

3.The Member-Secretary,
Railway Board,
Rail Bhavan,
Indian Railway,
New Delhi.

4.The General Manager,
Southern Railway,
Park Town,
Chennai.

5.The Divisional Engineer,
Southern Railway,
Salem Division, Salem.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, from interfering with petitioner peaceful possession and enjoyment of lands an extent of 2.00 Acres in Survey No.421 and an extent of 1.29 Acres in Survey No.423 of Polaiyampalli Village, Harur Taluk, Dharmapuri District bearing Patta No.353.



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For Petitioner : Mr.K.Thiruvengadam
For Respondents : Mr.A.Selvendran
Special Government Pleader
(for R1 & R2)
: Mr.P.T.Ramkumar
Standing Counsel (for R3 to R5)

W.P.No.9566 of 2019

1.S.Rasu
2.R.Karthikeyan
3.R.Sathiya Narayana Hari

...Petitioners

Vs

1.The District Collector,
Dharmapuri District, Office of the Collector,
Salem Main Road,
Dharmapuri - 636 705.

2.The District Revenue Officer,
Dharmapuri District, office of the Collector,
Salem Main Road,
Dharmapuri - 636 705.

3.The Tahsildar,
Pappirettipatti Taluk,
Pappireddipatti,
Dharmapuri District.

4.The Chairman,
Railway Board, Ministry of Railways,
New Delhi - 110 001.

5.The General Manager,
Southern Railways, Office of the General Manager,
Main Building, Park Town,
Chennai - 600 003.

6.The Chief Administrative Officer-Construction,
Southern Railways,
Poonamallee High Road,
Chennai - 600 008.

7.The Divisional Railway Manager,
Salem Railway Division,
Southern Railways,
Divisional Railway Manager's Office,
Salem - 636 005.

...Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, their men, agents, representatives, servants, assigns, contractors and/or anyone from in any manner interfering with the peaceful possession, ownership and enjoyment of the property belonging to the petitioners, comprised in S.No.118, Singrihalli Village, Dharmapuri District, measuring a total extent of about 9.00 acres and bearing Patta No.426.

For Petitioners : Mr.Arun Anbumani
For Respondents : Mr.A.Selvendran
Special Government Pleader
(for R1 to R3)
: Mr.P.T.Ramkumar
Standing Counsel (for R4 to R7)

C O M M O N O R D E R

W.P.No.8247 of 2019 has been filed to issue a Writ of Mandamus, to forbear the respondents, their men, agents, representatives, servants, assigns, contractors and/or any one from in any manner interfering with the peaceful possession, ownership and enjoyment of the property belonging to the petitioners, comprised in S.No.118, Singrihalli Village, Dharmapuri District, measuring a total extent of about 9.00 acres and bearing Patta No.426.

2. W.P.No.9566 of 2019 has been filed to issue a Writ of Mandamus, to forbear the respondents, their men, agents, representatives, servants, assigns, contractors and/or any one from in any manner interfering with the peaceful possession, ownership and enjoyment of the property belonging to the petitioners, comprised in S.No.118, Singrihalli Village, Dharmapuri District, measuring a total extent of about 9.00 acres and bearing Patta No.426.

3. The Petitioner in W.P.No.8247 of 2019 owned the land comprised in S.No.421 to an extent of 2.00 acres and the land comprised in S.No.423 to an extent of 1.29 acres situated at Polaiyampalli Village, Harur Taluk, Dharmapuri District. The petitioners in W.P.No.9566 of 2019 owned the land comprised in S.No.118, measuring a total extent of about 9.00 acres situated at Singrihalli Village, Dharmapuri District. The authorities concerned of the respondents 3 to 5 herein, without any prior notice to the petitioners, entered into their lands and tried to survey their lands. When the same was questioned by the petitioners, it was submitted that the said lands are to be acquired for laying Railway track. Therefore, the petitioners



approached this Court by way of the present Writ Petitions, to forbear the respondents from interfering with the peaceful possession of the subject lands.

4. On a perusal of the counter affidavit, it reveals that the Railway Authorities decided to acquire the land for forming a new broad-gauge line from Dharmapuri to Morappur. Therefore, the authorities concerned inspected the subject property to ascertain as to whether the same is required or not, to lay the Railway Track from Dharmapuri to Morappur. However, the petitioners objected the same and filed the Writ Petitions.

5. It is not disputed that the subject lands are patta lands belonging to the respective petitioners.

6. Considering the above facts and circumstances of this case, the respondents are directed to issue prior notice to the petitioners before conducting survey of the lands and thereafter, conduct survey of the required lands to lay the Railway Track from Dharmapuri to Morappur as per the approved scheme. Thereafter, they shall proceed with the acquisition proceedings by following due process of law and acquire the required lands from the petitioners in the manner known to law. It is made clear that already, the Revenue Authorities have inspected the adjacent lands and they fixed pillar boundary stones in other survey fields, except the petitioners' lands. Therefore, the respondents are directed to issue notice to the petitioners within a period of two weeks to survey the lands and complete the process. It is also made clear that the respondents are directed not to cause any damages to the agricultural crops while surveying the lands.

7. With the above direction, both the Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Office of the Collector,
Salem Main Road, Dharmapuri - 636 705.



2.The Tahsildar,
Pappirettipatti Taluk,
Pappireddipatti,
Dharmapuri District.

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3.The Chairman,
Railway Board,
Ministry of Railways,
New Delhi - 110 001.

4.The General Manager,
Southern Railways, Office of the General Manager,
Main Building, Park Town, Chennai - 600 003.

5.The Chief Administrative Officer-Construction,
Southern Railways,
Poonamallee High Road,
Chennai - 600 008.

6.The Divisional Railway Manager,
Salem Railway Division,
Southern Railways,
Divisional Railway Manager's Office,
Salem - 636 005.

7.The Thasildar,
Harur,
Harur Taluk,
Dharmapuri District.

8.The Member-Secretary,
Railway Board,
Rail Bhavan,
Indian Railway,
New Delhi.

+2ccs to Mr.P.T.Ramkumar, Advocate SR.No.62271 & 62272

+1cc to Mr.K.Thiruvengadam, Advocate SR.No.62899

+1cc to the Government Pleader SR.Nos.62965

W.P.Nos.8247 and 9566 of 2019

SS(CO)
RVM(21/12/2021)