



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NOS.9697 & 10719 OF 2019

M.R.Mani,
S/o.S.Rathinavel

... Petitioner in
W.P.No.9697 of 2019

M.R.Mani,
S/o. S.Rathinavel,
General Secretary,
TAVJN S&D Charitable Trust

... Petitioner in
W.P.No.10719 of 2019

Versus

1. The District Collector,
District Collector's Office,
Kancheepuram Dt.
2. The Special Tahsildar (LA),
Puducherry - Mamallapuram Corridor,
Unit-3, Kancheepuram,
No.16, Visalatchi Nagar,
Sevilimudur, Kancheepuram.

... Respondents in both W.P.s

COMMON PRAYER :

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to consider petitioner's representation dated 07.03.2019 delivered and acknowledged by the 1st respondent on 08.03.2019 and comply with the genuine request made therein within a specified period stipulated by this Hon'ble Court.

For Petitioner in both W.P.s : Mr.V.Ramana Reddy

For Respondents in both W.P.s : Mr.Yogesh Kannadasan,
Govt. Advocate



C O M M O N O R D E R

(The case has been heard through video conference)

These Writ Petitions have been filed seeking a direction directing the respondents to consider petitioner's representation dated 07.03.2019 within a specified period stipulated by this court.

2. The grievance of the petitioner is that, he is in possession and enjoyment of the property comprised in Survey No.241/7, situate at Mugaiyur Village, Cheyyur Taluk, Kancheepuram District and he has also put up house in the property and residing therein. Now, he came to know that the respondents are taking steps to acquire the land for expansion of highways under Puducherry-Mamallapuram Unit-3 scheme. According to him, so far, he has not received any notice from the authority. Hence, apprehending that he may be evicted without any notice, he has made a representation to the 2nd respondent to pay compensation to the land. But, so far, his representation was not considered and no order has been passed on it. Hence, the present Writ Petitions have been filed by the petitioner.

3. Earlier, notice ordered to the respondents. Today, when the matter taken up for hearing, Mr. Yogesh Kannadasan, learned Government Advocate, on instructions, would submit that, the said land was classified as anathinam land, and the petitioner is occupying the land, put up construction and residing therein by encroaching the land. Being an encroacher, the petitioner is not entitled for any notice. Hence, no notice was served on to the petitioner. Now, the award enquiry is pending. Since the land being anathinam land, the petitioner is also not entitled for any compensation. Hence, this Writ Petition is liable to be dismissed.

4. Mr. V.Ramana Reddy, learned counsel appearing for petitioner would submit that the petitioner is in possession and enjoyment of the property for more than 6 decades, putting up a house, and residing therein, also paying necessary taxes. The learned counsel would also submit that during award enquiry the petitioner may be given notice enabling him to raise his objections.

5. I have considered rival submissions made by learned counsel appearing for petitioner as well as learned Government Advocate and perused the records.

6. Considering the fact that, the petitioner said to be residing therein for long number of years and put up a house,



the 2nd respondent is directed to issue notice for award enquiry enabling the petitioner to submit his objections. While passing award, the 2nd respondent is directed to consider petitioner's objections and pass suitable orders on merits in accordance with law. Accordingly, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
District Collector's Office,
Kancheepuram Dt.
2. The Special Tahsildar (LA),
Puducherry - Mamallapuram Corridor,
Unit-3, Kancheepuram,
No.16, Visalatchi Nagar,
Sevilimudur, Kancheepuram.

+2cc to Mr.V.Ramana Reddy, Advocate, S.R.Nos.30142, 30143
+1cc to the Government Pleader, S.R.No.30818

W.P.Nos.9697 & 10719 of 2019

UM(CO)
CS/29/07/2021