



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 13397 and 13803 of 2018
and

W.M.P.Nos. 15800,15801,16291,16292 of 2018

P.Manoharan

(Rep by his Power Agent, P.Rajasekaran)

... Petitioner in W.P.No.13397/2018

P.Rajasekaran

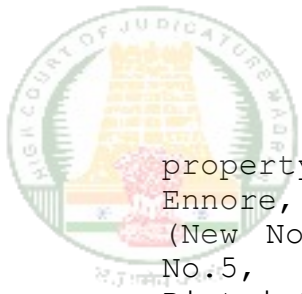
... Petitioner in W.P.No.13803/2018

-Vs-

1. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur - 602 001.
3. The Special Tahsildar,
(Land Acquisition),
Thiruvotriyur Taluk,
Thiruvotriyur, Thiruvallur District,
Chennai - 600 019.
4. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Thiruvallur District.

... Respondents in bot WP's

Prayer in W.P.No.13397 of 2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent and quash the impugned order dated 16.02.2018 made in Na.Ka.13835/2017/F1 on the file of second respondent as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially direct the respondents to consider the petitioner's representation dated 10.07.2017 thereby immediately settle compensation for acquired of petitioner's



property measuring 170 square meters at No.27/143/2, M.R.L.Road, Ennore, Chennai - 600 057, comprised in Survey No.30/1 Part, (New No.30/2, Old No.143/2 Part), situated in Ward 'C', Block No.5, Ernavoor Village, Thiruvottriyur Taluk, Thiruvallur District, acquired by the respondents for the purpose of construction of Over Bridge.

Prayer in W.P.No.13803 of 2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent and quash the impugned order dated 16.02.2018 made in Na.Ka.13835/2017/F1 on the file of second respondent as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially direct the respondents to consider the petitioner's representation dated 10.07.2017 thereby immediately settle compensation for acquired of petitioner's property measuring 240 square meters at No.27/143/2, M.R.L.Road, Ennore, Chennai - 600 057, comprised in Survey No.2 Part, 2/2 Part, (New No.27, Old No.143/2 Part), situated in Ward 'C', Block No.5, Ernavoor Village, Thiruvottriyur Taluk, Thiruvallur District, acquired by the respondents for the purpose of construction of Over Bridge.

In both W.Ps

For Petitioners : Mr.S.L.Sudarsanam

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate.

COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent and quash the impugned order dated 16.02.2018 made in Na.Ka.13835/2017/F1 on the file of second respondent as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially direct the respondents to consider the petitioner's representation dated 10.07.2017 thereby immediately settle compensation for acquired of petitioner's property measuring 170 square meters at No.27/143/2, M.R.L.Road, Ennore, Chennai - 600 057, comprised in Survey No.30/1 Part, (New No.30/2, Old No.143/2 Part), situated in Ward 'C', Block No.5, Ernavoor Village, Thiruvottriyur Taluk, Thiruvallur District, and the property measuring 240 square meters at No.27/143/2, M.R.L.Road, Ennore, Chennai - 600 057, comprised in Survey No.2 Part, 2/2 Part, (New No.27, Old No.143/2 Part), situated in Ward 'C', Block No.5, Ernavoor Village, Thiruvottriyur Taluk,



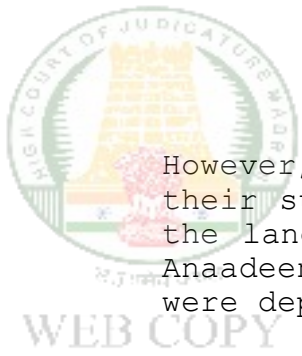
Thiruvallur District, acquired by the respondents for the purpose of construction of Over Bridge.

2. Heard Mr.S.L.Sudarsanam, learned counsel appearing for the petitioners in both the writ petitions and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents in both the writ petitions.

3. The case of the petitioners is that they are the absolute owners of the property comprised in Survey No 143/2, T.S.No.30/1, New T.S.No.30/2, measuring an extent of 2300.0 square meter, situated in Ward 'C', Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L.Road, Ennore, Chennai-600 057 and the property comprised in Survey No.143/2, T.S.No.2, New T.S.No.2/2, measuring an extent of 2300.0 square meter situated in Ward 'C', Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L.Road, Ennore, Chennai-600 057 respectively.

4. They purchased the lands by the registered sale Document Nos.3489 of 1982 and 3490 of 1982 on the file of the Sub-Registrar, Thiruvottriyur, from one Balaraman. After the purchase, the petitioners have become the absolute owners and they are in possession and enjoyment of the subject property. Immediately, they mutated the revenue records in their respective names i.e., Town Survey land register dated 31.07.2015 reflected their names. On the strength of the same, they were granted planning permission from CMDA for construction of the building. It was duly approved by the authority concerned and after the sanction, the petitioners had put up construction.

5. While being so, for the purpose of construction of Over Bridge, the Government of Tamil Nadu had acquired vast extent of lands in Block No.5, Ennore and Sadayan Kuppam Villages, Madhavaram and Thiruvottriyur Taluk. In the said process, the portion of the petitioners' lands together with the super structure thereon were also acquired by the Government for construction of Over Bridge. Accordingly, the portion of the lands approved in Survey No.30/1 Part, (New No.30/2, Old No.143/2 Part) measuring an extent of 170 square meters and in Survey No.2/2 Part, (New No.27, Old No.143/2 Part) measuring an extent of 240 square meters were sought for acquisition. Accordingly, they acquired the lands and called for award enquiry. For both the lands the compensation arrived at Rs.22,62,163/- (Rupees Twenty Two Lakhs Sixty Two Thousand One Hundred and Sixty Three only) and at Rs.28,83,361/- (Rupees Twenty Eight Lakhs Eighty Three Thousand Three Hundred and Sixty One only) including the buildings and the lands respectively.



However, the petitioners were paid the compensation insofar as their super structures alone. They were denied compensation for the lands for the reason that the said lands were classified as Annadeenam and as such the compensation amount for the lands were deposited under the Revenue Deposit.

6. Thereafter, the petitioners made a representation and requested to pay the compensation for the lands for the reason that they have purchased these respective lands in the year 1982 and after getting approval from CMDA, they constructed their respective buildings. The said request was not considered and as such they were constrained to file writ petitions before this Court and as directed by this Court, the second respondent conducted the enquiry and rejected the claim of the petitioners for the reason that the subject lands are classified as Annadeenam and as such the petitioners are not entitled for compensation for the lands which were acquired for the construction of Over Bridge.

7. A perusal of the documents produced by the petitioner and also the documents submitted before the second respondent revealed that, they purchased the subject land in the year 1982 and thereafter they obtained planning permission from CMDA for putting up construction. Accordingly, they had put up construction and they are in possession and enjoyment of the same. Except the Adangal extract in the New Town Survey Land Register, the other revenue records were mutated in their names. However, without considering the same, the second respondent denied the compensation for the lands owned by the petitioners.

8. When the petitioners are entitled to receive the compensation in respect of the super structure put up by them by the approval got from the CMDA, they are also entitled for the compensation in respect of the lands which were purchased by them by valid registered sale deeds. In fact, before their purchase, the Town Survey Land Register stood in the name of their vendors. Therefore, the petitioners are entitled for compensation for the subject land.

9. In view of the above, the impugned order cannot be sustained as against the petitioners and the writ petitions are liable to be set aside. Accordingly, the impugned order passed by the second respondent, made in Na.Ka.13835/2017/F1, dated 16.02.2018 is hereby set aside.

10. The second respondent is directed to disburse the compensation in respect of their subject lands comprised in Survey No. 143/2, T.S.No.30/1, New T.S.No.30/2, measuring an extent of 2300.0 square meter, situated in Ward 'C', Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District,



bearing No.27/143/2, M.R.L.Road, Ennore, Chennai-600 057 and the property comprised in Survey No.143/2, T.S.No.2, New T.S.No.2/2, measuring an extent of 2300.0 square meter situated in Ward 'C', Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L.Road, Ennore, Chennai-600 057 respectively to the petitioners, within a period of four weeks from the date of receipt of a copy of this order.

11. In the result, these writ petitions are allowed. Consequently connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur - 602 001.
3. The Special Tahsildar,
(Land Acquisition),
Thiruvottriyur Taluk,
Thiruvottriyur, Thiruvallur District,
Chennai - 600 019.
4. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Thiruvallur District.

+4ccs to Mr.S.L.Sudarsanam, Advocate, S.R.No.55458 & 55459
+1cc to the Government Pleader, High Court, Madras, S.R.No.55403

W.P.Nos. 13397 and 13803 of 2018
and

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EV(CO)
SU(17/11/2021)