



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.17559 of 2021

and

W.M.P.No.18662 of 2021

S. Ravichandran

Versus

... Petitioner

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Special District Revenue Officer (Land Acquisition)
Chennai Peripheral Ring Road Project
Adminstrative Office Block (Ground Floor)
SIDCO Branch Office Complex
Ambattur Industrial Estate
Chennai-605 058

3.The Special Tahsildar (LA)
Chennai Peripheral Ring Road Project (Unit 2)
Thatchur, Thiruvallur District

4.The Village Adminstrative Officer,
Krishnapuram Kandigai Revenue Village,
Kannigaipair Village & Post,
(Via) Periyapalayam, Uthukottai Taluk,
Tiruvallur District, PIN-601 102.

5.K.S.Selvaganapathy

6.R.Amsa

7.B.Thilagavathy

8.N.S.Manikannan

9.N.Saranya

10.M.Ramkumar

... Respondents



This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to consider the objections of the petitioner dated 30.01.2021 and 25.02.2021 and dispose of the same by giving an opportunity to the petitioner and pass orders as contemplated under Section 19(3)&(5) and 21 of the Tamil Nadu Highways Act, 2001.

For Petitioner : Mr. S. Angamuthu

For R1 to R4 : Mr.K.M.D.Muhilan

ORDER

This Writ Petition has been filed by the petitioner seeking to issue a Writ of Mandamus, to direct the 1st and 2nd respondents herein to consider the objections of the petitioner dated 30.01.2021 and 25.02.2021 and dispose of the same by giving an opportunity to the petitioner and pass orders as contemplated under Section 19(3) and (5) and 21 of the Tamil Nadu Highways Act, 2001.

2. The petitioner, his father and brother, fifth respondent herein are having co-parcenary right in the properties situated in various survey numbers in Krishnapuram Kandigai Revenue Village, Kannigaipair Village Panchayat, Uthukottai Taluk. According to the petitioner, the patta in respect of this land was issued by the Revenue Department in the name of his father K.P. Sundaresa Mudaliar vide Patta No.31. Subsequently, under the UDR Scheme, a new patta was issued in the name of his father bearing Patta No.254. It is stated that the petitioner's father died on 13.03.1988, leaving behind the petitioner, his brothers and sisters, who are cited as respondents 5 to 10 in this writ petition, as legal heirs. It is also stated that in respect of this property, a suit in O.S. No.159 of 1989 was filed by one Sabapathy claiming himself to be having some right and share in the properties of the petitioner's family. The suit was decreed against which A.S. No. 19 of 1997 was filed and the appeal was allowed on 05.12.1997. Thereafter, Second Appeal No. 1890 of 1998 was filed before this Court and the appeal was dismissed on 21.04.2006. While facts are so, the second respondent initiated acquisition proceedings to acquire a portion of the property belonged to the petitioner and his family. The land acquisition authority has issued a show cause notice dated 30.09.2020 to his brother, the fifth respondent herein. On enquiry, the petitioner came to know that such notice was issued to the fifth respondent by taking into account the patta issued in the name of the fifth respondent. It is stated that the fifth respondent



clandestinely obtained patta in his individual name even though the petitioner and his brothers and sisters are also entitled to a share in the properties of the family. The petitioner therefore submitted a representation dated 19.10.2020 to the Revenue Divisional Officer to cancel the patta issued to the fifth respondent and to issue a joint patta in the name of the petitioner and all the legal heirs of late. Sundaresa Mudaliar. As there was no response, the petitioner has filed WP No. 12768 of 2021 before this Court and by order dated 16.06.2021, this Court directed the Revenue Divisional Officer, Thiruvallur to conduct an enquiry after giving opportunity to all the parties concerned.

3. As far as the land acquisition proceedings are concerned, the petitioner appeared before the second respondent during the enquiry conducted under Section 15 (2) of the Tamil Nadu Highways Act, 2001 and submitted his objection in recognising the fifth respondent as the owner of the properties covered in the acquisition proceedings. The petitioner also submitted his written objections on 30.01.2021 and 25.02.2021 and requested the second respondent to disburse the compensation amount to all the eligible legal heirs of late. Selvaganapathy Mudaliar without being carried away by the individual patta obtained by the fifth respondent in his name. However, the second respondent has not considered the objections dated 30.01.2021 and 25.02.2021 of the petitioner and therefore, he has filed this writ petition.

4. On going through the averments and also hearing the learned Government Advocate appearing for the respondents 1 to 4, it appears that already enquiry has been conducted by the Collector, under Section 15(2) of the Tamil Nadu Highways Act, 2001. Therefore, it is directed that while determining the amount of compensation, the authorities shall consider the objections raised by the petitioner who is also interested in the said claim. It is also brought to the notice of this Court that pursuant to the order dated 16.06.2021 passed by this Court in WP No. 12768 of 2021, the petitioner has also filed a petition before the Revenue authorities for cancellation of patta issued in favour of the fifth respondent. The outcome of such proceedings before the Revenue Divisional Officer shall also be considered by the authorities concerned. Since the patta stands in the name of the 5th respondent, the petitioner has to prove his right over the property by providing necessary documents before the 2nd respondent at the time of the apportionment of compensation under Section 21 is being done by the authorities concerned.

5. In the light of the above, the respondents 1 to 4 are directed to consider the objections made by the petitioner on



30.01.2021 and 25.02.2021 and pass appropriate orders in accordance with law and on merits after affording an opportunity to the petitioner and also to the parties interested.

6. Accordingly, this writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gbi

To

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
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(Via) Periyapalayam, Uthukottai Taluk,
Tiruvallur District, PIN-601 102.

+lcc to Mr.S.Angamuthu, Advocate Sr No.42239

+lcc to the Government Pleader Sr No.42676

W.P.No.17559 of 2021

GJ (CO)
PR (02/11/2021)