



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.15645 of 2020 and
WMP.No.7785 of 2021

P.Suresh Solomon

...Petitioner

Vs

- 1.The State of Tamilnadu,
Represented by the Principal Secretary,
Secretariat, Fort St.George,
Chennai 600 009
- 2.The Secretary,
Highways and Minor Ports,
Secretariat, Fort St.George,
Chennai 600 009
- 3.The Special Deputy Collector,
(Land Acquisition),
Tamilnadu Urban Development Project-III,
Alandur, Chennai 600 016

- 4.R.Nagarajan
- 5.M.A.C.Basheer Ali
- 6.N.Kalidoss
- 7.B.Rathanaraj

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to issue fresh notices and hold afresh an enquiry granting sufficient opportunity to be heard and pass the award and to pay fair compensation for the land in T.S.No.93/2, Ward No.5, Block J of Thiruvottiyur already taken possession of under the project of widening of Ennore-Thiruvottiyur High Road, Chennai.

For Petitioner : Mr.R.Shenbagaraman
For Respondents
For R1 to 3 : Mr.G.Ameedius,
Government Advocate



For R6 : Mr.C.Jayavel

ORDER

WEB COPY This writ petition is filed for direction directing the respondents 1 to 3 to issue fresh notices and hold afresh an enquiry granting sufficient opportunity to be heard and pass the award and to pay fair compensation for the land in T.S.No.93/2, Ward No.5, Block J of Thiruvottiyur already taken possession of under the project of widening of Ennore-Thiruvottiyur High Road, Chennai.

2. Heard, Mr.R.Shenbagaraman, the learned counsel for the petitioner, Mr.G.Ameedius, Government Advocate appearing for the respondents 1 to 3, and Mr.C.Jayavel, the learned counsel for the sixth respondent.

3. The case of the petitioner is that the petitioner purchased property to an extent of 10800 sq.ft. out of total extent of 80.97 grounds comprised in survey Nos.227/4, 227/5, 228/1 with large compounded campus situated at door Nos.956 and 957, Thiruvottiyur High Road, Thiruvottiyur, Chennai (hereinafter called as 'the subject land') by the registered sale deed dated 27.05.2009 vide document No.3617 of 2009. Under the Town Survey and Settlement Act, the said land provided with town survey numbers and sub divisions, as a result the entire extent was allotted in TS.No.93 under Ward J, Block 5 of Thiruvottiyur Municipality. For the proposal of widening and strengthening of Chennai Ennore Road at Tiruvottiyur by the Government of Tamilnadu, therefore acquisition of a small extent of 0.225.5 sq.mtrs in TS.No.93 which was sub divided as TS.No.93/2 declared to be acquired under Section 15(2) of the Tamilnadu Highways Act, 2001. The total extent of the land admeasuring 1865.5 sq.mtrs comprised in various town survey numbers abutting the Tiruvottiyur Ennore High Road and also proposed to be acquired. In fact, the second respondent noticed the error in the extent instead of 0.225.5 sq.mtrs, they mentioned as 0.226.0 sq.mtrs and proceeded with award enquiry and passed award in respect of other lands as early as on 10.10.2012 itself. However, no notice was served and no award has been passed in respect of the subject land. Before holding award enquiry in respect of other lands, the petitioner raised objections on 17.12.2013 to the second respondent herein. However, no enquiry was conducted and no award was passed for granting compensation to the subject property. In fact, other interest persons i.e. the respondents 4 to 7 were also not given any opportunity of being heard in respect of TS.No.93/1.



4. By the communication dated 06.07.2017, the third respondent recommended for the notification under Section 15(1) of the said Act. In the said recommendation, mentioned about the temple land comprised in survey Nos.79, 78, 48 and 24 in Block No.6. That apart, categorically mentioned about the extent of the subject land and wrongly mentioned as 226 sq.mtrs instead of 225.5 sq.mtrs. Further stated that the subject property is in possession and enjoyment of the chemical industry and purchased by the petitioner and the respondents 4 to 7 herein and they sought for compensation.

5. On perusal of the counter filed by the third respondent, revealed that the subject property is classified as 'Sarkar Punjai' and the adangal extract stands in the name of the Rathnasabee Thiagaraja Swamigal Temple. As the said land stood classified as 'Sarkar Punjai', the same was not subjected to acquisition proceedings. On perusal of the notification issued under Section 15(2) of the said Act, all the lands classified as 'Sarkar Punjai Dry Land'. Even according to the third respondent, the petitioner and the respondents 4 to 7 have purchased the respective properties under the registered sale deeds. The subject property has been leased out to the Chemical Industry. The adangal extract also stood in the name of the Chemical Industry.

6. In view of the above, the third respondent is directed to issue notice to the petitioner and the respondents 4 to 7 herein and, after giving them opportunity of hearing, pass award for compensation in respect of the land comprised in T.S.No.93/2, Ward No.5, Block J of Thiruvottiyur within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
State of Tamilnadu,
Secretariat, Fort St.George,
Chennai 600 009

2.The Secretary,
Highways and Minor Ports,
Secretariat, Fort St.George,
Chennai 600 009

3.The Special Deputy Collector,
(Land Acquisition),
Tamilnadu Urban Development Project-III,
Alandur, Chennai 600 016

+2 Ccs to Mr.R.Shenbagaraman, Advocate sr 67148

+1 CC to The Government Pleader sr 67968

+1 CC to Mr.C.Jayavel, Advocate sr 67132.

WP.No.15645 of 2020

AD(CO)
SP(04/01/2022)