



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21098 of 2021
and
W.M.P.No.22355 of 2021

M.Mani

... Petitioner

Vs.

1. The District Collector,
Chingleput District,
Chingleput.
2. The Special District Revenue Officer,
(Land Acquisition)
Chennai Peripheral Ring Road Project (Division-III)
SIDCO Branch Office Buildings,
Ambattur Industrial Estate, Chennai - 600 058.
3. Special Tahsildar (Land Acquisition),
Chennai Peripheral Ring Road Project-Unit 5,
No.21/61, 3rd Cross Street,
M.M.Avenue, Kancheepuram - 631502.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in the impugned proceedings of the 3rd respondent dated 09.08.2021 bearing Na.Ka.No.3/2018/A and quash the same and consequently, to direct the respondents to grant compensation to the petitioner.

For Petitioner : Mr.Christopher Vijayachandran

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order in Na.Ka.No.3/2018/A, dated 09.08.2021 passed by the third respondent and for consequential direction to the respondents to grant compensation to the petitioner herein.



2. The petitioner is the absolute owner of the property comprised in Survey No.13/1, No.84, Singaperumal Koil Village, measuring to an extent of 0.05 cents having purchased the same from one G.Murugan by way of a registered sale deed, dated 10.03.1980 vide Doc.No.550/1980 on the file of Sub Registrar Office, Chingleput and he is in possession of the same. Subsequently, there was acquisition of a portion of the land belonging to the petitioner under National Highway World Bank Scheme vide in Na.Ka.No.456/88 measuring an extent of 3.5 cents out of the total extent of 5 cents belonging to the petitioner was not printed in the Tamil Daily viz., Thina Thanthi, with regard to land acquisition for the Survey No.13/1 instead, name of the vendor of the property has been printed therein. Hence, the petitioner approached the authority concerned in this regard along with the relevant documents of the said property wherein, he was instructed to transfer of patta in his name, since patta had been in the name of the vendor. Subsequently, the petitioner had applied for transfer of patta in his name, to the 3rd respondent as required, since the petitioner did not transfer the patta in his name. However, the Authority concerned refused to receive the Patta transfer application given by the petitioner stating that since the property in question is under acquisition under National Highway Scheme, hence, Patta cannot be granted for the aforesaid property. While so, the 3rd respondent has issued a proceeding bearing in Na.Ka.No.3/2018/A to the petitioner seeking to produce the Patta in his name as the land acquisition proceedings have been initiated and even though the petitioner sent various representations to the 3rd respondent/Special Tahsildar requesting to remove the name of the unauthorized persons and to pay compensation in the petitioner's name, hence, no order has been passed in this regard. Hence this petition.

3. Heard, learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The learned Government Pleader appearing for the respondents submitted a status report stating that the petitioner's land measuring to an extent of 3.5 cents out of the total extent of 5 cents of the land belonging to the petitioner was acquired vide in Na.Ka.No.456/88 under National Highway World Bank Scheme. Pursuant to the village records, 15(2) published in the newspapers for the land acquisition comprised in Survey No.13/1 in the name of V. Ramanakumar instead of M.Mani. Thereafter, the petitioner had applied for transfer of patta in his name in order to get land compensation from the third respondent/Special Tahsildar (LA), which is pending with him for want of No Objection Letter from the Special DRO (Land Acquisition). It is submitted that the award enquiry was



completed and No Objection Letter has been sent to the Tahsildar vide Rc.No.02/2018/A, dated 12.10.2021 to make patta transfer on the application of the petitioner.

5. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 02.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.

6. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the petitioner is directed to produce all the Revenue Records before the Respondents for transferring Patta in his favour. After obtaining Patta, the petitioner is further directed to approach the third respondent/Spl. Tahsildar to claim appropriate compensation. On receipt of the same, the 3rd respondent is also directed to conduct an inquiry with regard to the land in Survey No13/1 of No.84, Singaperumal Koil Village and to verify the aforesaid land under acquisition proceedings, if any, and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties concerned within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected WMP.No.22355 of 2021 is also closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The District Collector,
Chingleput District, Chingleput.
2. The Special District Revenue Officer,
(Land Acquisition)
Chennai Peripheral Ring Road Project (Division-III)
SIDCO Branch Office Buildings,
Ambattur Industrial Estate, Chennai - 600 058.



3. Special Tahsildar (Land Acquisition),
Chennai Peripheral Ring Road Project-Unit 5,
No.21/61, 3rd Cross Street,
M.M.Avenue, Kancheepuram - 631 502.

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+1cc to Mr.Christopher Vijayachandran, Advocate, S.R.No.54909
+1cc to the Government Pleader, S.R.No.55094

W.P.No.21098 of 2021

GSM(CO)
CT/16/12/2021