



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.Nos.14403, 14417, 17793 & 17794 of 2014 and
MP.Nos.1 & 1 of 2014

WP.No.14403 of 2014

J.Poovan

...Petitioner

Vs

1. The District Collector,
Kancheepuram District,
2. The Special Tahsildar (Land Administration),
Metro Rail Transport Services (MRTS),
Thirumayilai MRTS Railway Station Complex,
Mylapore, Chennai 600 004
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai 600 008
4. The Chief Engineer,
Metro Rail Transport Services (MRTS),
Thirumayilai MRTS Railway Station Complex,
Mylapore, Chennai 600 004

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the second respondent, his men, agent, servants or subordinates of anybody claiming through him from in any manner interfering with the petitioners peaceful possession and enjoyment of property situated at Paimash No.518, 519 and 520, as per survey no.257/12, measuring an extent of 1305 out of 2448 sq.ft. at Vanuvampet, Adambakkam Village, Saidapet Taluk, Kancheepuram District without following the procedure contemplated under law.



WEB COPY

For Petitioner : Mr.P.Vasanth
For R1 & 2 : Mr.M.R.Gokul Krishnan,
Government Advocate
For R3 : M/s.P.Veena Suresh,
Standing Counsel
For R4 : Mr.P.T.Ramkumar,
Standing Counsel

WP.No.14417 of 2014

A.Saravanan

...Petitioner

Vs

1. The District Collector,
Kancheepuram District,
2. The Special Tahsildar (Land Administration),
Metro Rail Transport Services (MRTS),
Thirumayilai MRTS Railway Station Complex,
Mylapore, Chennai 600 004
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai 600 008
4. The Chief Engineer,
Metro Rail Transport Services (MRTS),
Thirumayilai MRTS Railway Station Complex,
Mylapore, Chennai 600 004

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the second respondent, his men, agent, servants or subordinates of anybody claiming through him from in any manner interfering with the petitioners peaceful possession and enjoyment of property situated at Paimash No.518, 519 and 520, as per survey no.257/12, measuring an extent of 2475 sq.ft. at Vanuvampet, Adambakkam Village, Saidapet Taluk, Kancheepuram District without following the procedure contemplated under law.



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For Petitioner : Mr.P.Vasanth
For R1 & 2 : Mr.M.R.Gokul Krishnan,
Government Advocate
For R3 : M/s.P.Veena Suresh,
Standing Counsel
For R4 : Mr.P.T.Ramkumar,
Standing Counsel

WP.No.17793 of 2014

J.Poovan

...Petitioner

Vs

1. The District Collector,
Kancheepuram District,
2. The Assistant Commissioner(ULT),
Kancheepuram District,
No.153, Karuneegar Street,
Adambakkam, Chennai 600 088

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider and act on the representation dated 06.06.2014 given by the petitioner.

For Petitioner : Mr.P.Vasanth

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

WP.No.17794 of 2014

A.Saravanan

...Petitioner

Vs

1. The District Collector,
Kancheepuram District,
2. The Assistant Commissioner(ULT),
Kancheepuram District,
No.153, Karuneegar Street,
Adambakkam, Chennai 600 088

...Respondents



Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider and act on the representation dated 12.06.2014 given by the petitioner.

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For Petitioner : Mr.P.Vasanth

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

COMMON ORDER

The writ petitions in WP.Nos.17793 & 17794 of 2014 are filed to issue a Writ of Mandamus directing the second respondent to consider and act on the representation dated 06.06.2014 and 12.06.2014 given by the petitioners. The writ petition in WP.No.14403 of 2014 is filed to issue a Writ of Mandamus forbearing the second respondent, his men, agent, servants or subordinates of anybody claiming through him from in any manner interfering with the petitioner's peaceful possession and enjoyment of property situated at Paimash No.518, 519 and 520, as per survey no.257/12, measuring an extent of 1305 out of 2448 sq.ft. at Vanuvampet, Adambakkam Village, Saidapet Taluk, Kancheepuram District without following the procedure contemplated under law. The writ petition in WP.No.14417 of 2014 is filed to issue a Writ of Mandamus forbearing the second respondent, his men, agent, servants or subordinates of anybody claiming through him from in any manner interfering with the petitioners peaceful possession and enjoyment of property situated at Paimash No.518, 519 and 520, as per survey no.257/12, measuring an extent of 2475 sq.ft. at Vanuvampet, Adambakkam Village, Saidapet Taluk, Kancheepuram District without following the procedure contemplated under law.

2. The case of the petitioner in WP.No.17793 of 2014 is that the land comprised in survey No.257/12 admeasuring 2495 sq.mtrs. originally owned by one, Thulasiammal, who died intestate leaving behind her legal heirs. Thereafter, the entire property vested with her legal heirs and they have partitioned the said property themselves and they were enjoying their respective shares. The petitioner had purchased the property comprised in survey no.257/12 admeasuring 1305 sq.ft. situated at Vanuvampet, Adambakkam village, Saidapet Taluk, Kancheepuram District from the legal heirs of the deceased Thulasiammal by the registered sale deed dated 02.12.1992 registered vide document No.3688 of 1992 on the file of the Sub Registrar, Alandur. The petitioner is in possession and enjoyment of the same.



2.1 The case of the petitioner in WP.No.17794 of 2014 is that the land comprised in survey No.257/12 admeasuring 2495 sq.mtrs. originally owned by one, Thulasiammal, who died intestate leaving behind her legal heirs. Thereafter, the entire property vested with her legal heirs and they have partitioned the said property themselves and they were enjoying their respective shares. The petitioner's father had purchased the property comprised in survey no.257/12 admeasuring 2475 sq.ft. situated at Vanuvampet, Adambakkam village, Saidapet Taluk, Kancheepuram District from the legal heirs of the deceased Thulasiammal by the registered sale deed dated 17.02.1981 registered vide document No.302 of 1981 on the file of the Sub Registrar, Alandur. After the demise of his father, the petitioner and his sister are in possession and enjoyment of the same.

2.2 The further case of the petitioners is that they constructed house and also obtained electricity service connection and entire revenue records mutated in their name. While being so, the second respondent attempted to vacate the petitioners from their premises for the reason that the said lands belong to the Government and the said lands were already taken by the Government under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. Thereafter the petitioners obtained information under the Right to Information Act and understood that the predecessors in title already challenged the acquisition proceedings and though the father of the petitioner in WP.No.17794 2014 purchased the property in the year 1981 and the petitioner in WP.No.17793 of 2014 purchased the property in the year 1992, they were not served any notice.

3. However, the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 was repealed on 16.06.1999. The petitioners are in possession and enjoyment of the subject property. Therefore, physical possession has not been taken over and as such the proceedings initiated under the Tamilnadu Urban Land (Ceiling and Regulation) Act lapsed by way of repeal Act. Subsequently, the Government passed orders in GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 to regularise the purchase by the innocent purchasers of the land which was already taken under the Urban Land Ceiling Act.

4. In view of the above, the second respondent in WP.Nos.17793 & 17794 of 2014 is directed to consider the request of the petitioners dated 06.06.2014 and 12.06.2014 as per GO.Ms.No.649 Revenue dated 29.07.1998 and GO.Ms.No.565 Revenue dated 26.09.2008 and pass orders within a period of four weeks from the date of receipt of copy of this order.



5. With the above direction, the writ petitions in WP.Nos.17793 & 17794 of 2014 are disposed of. Insofar as the writ petitions in WP.Nos.14403 & 14417 of 2014 are concerned, now the third and fourth respondents without acquiring the subject property had put up staircase under the Metro Rail Transport Service project far away from the subject property and they have not disturbed the physical possession and enjoyment of the subject property by the petitioners. Recorded the same, the writ petitions in WP.Nos.14403 & 14417 of 2014 are closed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
2. The Special Tahsildar (Land Administration),
Metro Rail Transport Services (MRTS),
Thirumayilai MRTS Railway Station Complex,
Mylapore, Chennai 600 004.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
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Metro Rail Transport Services (MRTS),
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Mylapore, Chennai 600 004.
5. The Assistant Commissioner(ULT),
Kancheepuram District,
No.153, Karuneegar Street,
Adambakkam, Chennai 600 088.

+2ccs to Mr.P.T.Ramkumar, Advocate SR. Nos.56567 & 56568

+4ccs to Mr.P.Vasanth, Advocate SR.Nos.56465, 56466, 56464, 56463

WP.Nos.14403, 14417, 17793 & 17794 of 2014

KSM (CO)

PR (01/12/2021)