

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20392 of 2020
and WMP.Nos.25165 & 25166 of 2020

Dharma Thoppu Trust / Arakkkattalai
Rep by its Managing Trustee
S.Ranga Reddy
S/o. Srinivasa Reddy
No.265, M.T.H. Road
Villivakkam, Chennai - 600 049. Petitioner

Vs

- 1.The District Collector
District Collector Office
Chennai - 600 001.
- 2.The District Revenue Officer
Land Acquisition
Chennai Metro Rail
Chennai.
- 3.The Land Acquisition Officer and
Revenue Divisional Officer
Central Chennai Revenue Division
Anna Nagar West (Extn)
Chennai - 600 101.
- 4.The Tahsildar
Land Acquisition
Chennai Metro Rail
Chennai.
- 5.The District Revenue Officer
Settlement Officer
Chennai Metro Rail
Chennai.
- 6.M.R.Sivakumar
- 7.Yashoo Madhi Thoshi

8.M.S.Doshi Developers (P) Ltd.,
Rep by its Director Mehul.H.Doshi
Doshi Towers, 9th Floor
No.156, Poonamallee High Road
Kilpauk, Chennai - 600 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent herein to consider the petitioner's representation dated 09.10.2020.

For Petitioner : Mr.K.Dhananjayan

For Respondents : Mr.D.Raja
Addl Government Pleader [R1 to R5]
Mr.S.Ramesh Kumar [R6]
Mrs.A.L.Gandhimathi [R7, R8]

ORDER

A certain property comprised in Survey No.166 correlated to T.S.No.33 Block No.28 in Villivakkam Village of Old Saidapet Taluk in Old Chengalpattu District was under acquisition under the provisions of the Acquisition of lands for Industrial Purposes Act, 1977. A preliminary pre acquisition notice under Section 3(2) of the Act has been issued. So far as this property is concerned, the petitioner is a certain Trust and the respondents 6 to 8 claim title.

2. Heard Mr.K.Dhananjayan, learned counsel for the petitioner, Mr.D.Raja, learned Additional Government Pleader for the respondents 1 to 5, Mr.S.Ramesh Kumar, learned counsel for the 6th respondent and Mrs.A.L.Gandhimathi for respondents 7 & 8.

3. Since there is a dispute as to the title which has surfaced even at the very preliminary stage of the intended acquisition, and even the Land Acquisition Officer cannot decide at this stage. To avert possible multiplicity of litigations in future, both the petitioners as well as the respondents 6 to 8 can now respond to the notice under Section 3(2) of the Act, and in the eventuality of the intended acquisition fructifying into a declaration under Section 3(1) of the Act, the Land Acquisition Officer, the third respondent herein is required to issue notice to both the petitioner as well as the respondents 6 to 8 before passing an award, and may grant fair and effective hearing to them. If the title continues to remain unresolved till the passing of the award, the Land Acquisition Officer may deposit the amount in a concerned Court, whereupon the Court may decide on the title for disbursing the award amount to the

parties entitled thereto.

4. The learned counsel appearing for the 6th respondent requires some information to respond to the notices, regarding the extent involved in acquisition proceedings. In case he requires certain particulars, he may approach the authorities, and if the information sought is not a privileged information protected under the Right to Information Act, the authorities concerned shall share the information to the 6th respondent to facilitate him to decide if he at all requires to obstruct the intended acquisition.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

ds

To:

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Chennai.
- 5.The District Revenue Officer
Settlement Officer
Chennai Metro Rail
Chennai.

+1 cc to Mr.K.Dhananjayan Advocate sr8020
+1 cc to Mr.S.Ramesh Kumar Advocate sr8022
+1 cc to M/s.AL.Gandhimathi Advocate sr8228
+1 cc to Government Pleader sr8287

W.P.No.20392 of 2020

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