



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.31599 of 2019
and W.M.P.No.31083 of 2019

[Video Conferencing]

A.K.Sriram
2.A.K.Lakshmi
3.Vaidyananthan Sreeraman
4.Hema Vaidyananthan
5.Lakshmi Vaidyananthan
6.Sita Subramanian
7.A.S.Subramanian

...Petitioners

Versus

1.The District Collector,
Kanchipuram District.

2.The District Revenue Officer,
Kanchipuram.

3.The Tahsildar,
Pallavaram,
Chennai - 600 043

4.The District Collector,
Chengalpattu District,
Venbakkam Post,
Chengalpattu - 603 111.

(R4-impleaded vide order dated 14.02.2020 made in
W.M.P.No.4171 of 2020 in W.P.No.31599/19 by PDAJ)

...Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus or any other appropriate Writ or order or Direction in the nature of a Writ forbearing the respondents either by themselves or through their representatives from in any manner entering upon the lands of the petitioner measuring 2.68 acres and situate in R.S.Nos.93 (part), 94 and 95/1 of the cowl Bazaar Village, Pallavaram



Taluk, Kancheepuram District, carrying out any civil works or dispossessing the petitioners except in accordance with the land Acquisition Act.

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For Petitioners : Mr.R.Bharanidharan
For Respondents : Mr.K.M.D.Muhilan
Government Advocate

ORDER

This writ petition has been filed in the nature of Mandamus seeking a restraint order against the respondents, who were originally the District Collector, Kancheepuram District, District Revenue Officer, Kancheepuram, Tahsildar, Pallavaram and subsequently, the District Collector, Chengalpattu who had been impleaded, from entering upon the lands of the petitioner measuring 2.68 acres and situate in R.S.No.93 (part), 94 and 95/1 of the cowl Bazaar Village, Pallavaram Taluk, Kancheepuram District and thereby dispossessing the petitioners.

2. Heard Mr.R.Bharanidharan, learned counsel appearing for the petitioner and Mr.K.M.D.Muhilan, learned Government Advocate appearing on behalf of the respondents.

3. It is complained by Mr.R.Bharanidharan, learned counsel appearing for the writ petitioners that the respondents, without following due process to acquire the land of the petitioner for the purpose of building a bridge, demolished the compound wall. It is stated that there was an acquisition proposal and the respondents have actually invited the petitioner for discussion, but suddenly, the officials demolished a portion of the compound wall of the petitioner's land, which has resulted in filing the present writ petition.

4. It is stated by Mr.K.M.D.Muhilan, that the discussions, it had been decided to acquire the lands in and around the surroundings of the petitioner's land and the petitioner's land was found appropriate and after conducting due survey, the compound wall of the petitioner's land was demolished for the purpose of constructing the bridge.

5. I am confident that without due procedure, the respondent would not acquire the petitioner's land.

6. Therefore, a Mandamus is issued directing the respondents to follow due procedure, as established, while acquiring the petitioner's land after conducting survey for the purpose of constructing bridge. Notice shall be issued to the petitioners prior to conducting the survey.



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7. Accordingly, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram District.
2. The District Revenue Officer,
Kanchipuram.
3. The Tahsildar,
Pallavaram,
Chennai - 600 043
4. The District Collector,
Chengalpattu District,
Venbakkam Post,
Chengalpattu - 603 111.

+1 CC to The Government Pleader, Sr.No. 39475.

WP.No.31599 of 2019

NRL (CO)
LS (27/08/2021)