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W.P.No.13585 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:
THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.13585 of 2011
and
M.P.Nos.2 and 3 of 2011

Balaji Nagar Government Employees
Welfare and House Site Society,
(Registration No.144 of 1978),
Rep. by its Secretary,
No.49, Sri Balaji Nagar Part-I,
Adambakkam,
Chennai - 600 088.

...Petitioner

vs.

1. The Collector,
Kancheepuram District.
2. The Special Tahsildar,
Land Acquisition,
Metro Rail 2nd Expansion Scheme,
Mylapore Railway Station Building,
Mylapore, Chennai – 600 004.
3. The Tahsildar,
Alandur Taluk,
Alandur, Kancheepuram District.
4. Purushothaman



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5. Ramesh
6. Prabhu
7. D.Mahalingam
8. P.Ilamurugu
9. Kannan @ Karthikeyan
10. Ganesan ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Notification dated 17.05.2011 in A.Aa.(Nilai) No.84 in Form 2(B) on the file of the first respondent herein published in the Dhina Thanthi dated 20.05.2011 and to quash the same in so far as it relates to the inclusion of the name of the respondents 4 to 10 and two deceased persons in Item Nos.6 to 18 of the said Notification is concerned, and consequently direct the respondents to include the name of the petitioner society as the land owners in Item Nos.6 to 18 of the said Notification and to proceed with the same within a time frame.

For Petitioner : Mr.P.Raja and Ms.D.Prabavathi

For Respondents : Mr.B.Vijay, AGP, for R1 to R3
: Mr.Janarthanan, for R7
: Mr.K.Sivakumar, for R8
: No appearance, for R4, R5 & R9
: Tapal return, for R10

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in



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respect of the Notification dated 17.05.2011 in A.Aa.(Nilai) No.84 in Form 2(B), published in the Dhina Thanthi dated 20.05.2011, quash the same and to consequently direct the respondents to include the petitioner society's name as the land owners in Item Nos.6 to 18 of the said Notification and to proceed with the same.

2. The case of the petitioner is that the petitioner society has purchased the subject properties from its respective original owners, vide separate sale deeds in the year 1983 and 1984 and pursuant to the said purchase, it is in absolute possession and enjoyment of the same. While so, the petitioner society came to know about the notification issued under section 4(1) of the Land Acquisition Act (in short 'Act') dated 17.05.2011 in A.Aa.(Nilai) No.84 in Form 2(B), published in Dhina Thanthi dated 20.05.2011, with regard to the acquisition of lands for the purpose of Metro Rail 2nd Expansion Scheme, in which the subject lands are also included. However, it is pertinent to note that, though the subject lands are owned by the petitioner society, the petitioner society's name was not found in the said notification. Aggrieved by the same, the petitioner society made several



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representations dated 25.05.2011 and 30.05.2011 before the official respondents, which evoked no response. Hence, the petitioner has come up with this petition, challenging the above said notification dated 17.05.2011.

3. Though very many grounds have been raised by the learned counsel for the petitioner, however, he fairly submitted that, though the award in respect of the subject properties was passed in favour of the private respondents, however, the entire award amount was deposited in the Principal Sub Court, Alandur in LAOP Nos.1559, 1561, 1583, 1601, 1610, 1618, 1619, 1625 & 1644 of 2021, in which the petitioner society is also a party. Hence, this Court may permit the petitioner society to adjudicate the same before the Sub Court, where the LAOP is pending.

4. Learned counsel appearing for the respective respondents have no serious objection for the limited relief sought for by the learned counsel for the petitioner.

5. Heard learned counsel on either side and perused the materials available on record.



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6. In view of the limited relief sought for by the learned counsel for the petitioner, this Court without interfering with the order impugned in this Writ petition, grants liberty to the petitioner society to canvass all its grievances with regard to the title over the subject properties before the Principal Sub Court, Alandur, where the above said LAOPs are pending.

7. With the above observation and directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

25.11.2022

skt

Index : Yes/No

Speaking order : Yes/No

To:

1. The Collector,
Kancheepuram District.
2. The Special Tahsildar,
Land Acquisition,

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M.DHANDAPANI, J.

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