



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4329 OF 2018

1. T.R. Murugesan,
2. Mr. Ramabathra Raju

... Petitioners

Vs

1. The Government of Tamil Nadu,
Revenue Department,
Represented by its Secretary,
Fort St.George,
Chennai-600 009.
2. The Secretary to the Government,
Municipalities Department,
Fort St.George,
Chennai-600 009.
3. The District Collector,
Thiruvallur District,
Chinna Ekkadu,
Jaya Nagar,
Thiruvallur-602 001.
4. The Revenue Divisional Officer,
Thiruvallur,
J.N.Road,
Thiruvallur-602 001.
5. The Tahsildar
Thiruvallur District,
J.N.Road,
Thiruvallur-602 001.
6. The Commissioner,
Thiruvallur Municipality,
J.N.road,
Thiruvallur-602 001.



7. The Assistant Director,
Town and Country Planning,
Thiruvallur.

8. V.M.Nagar, V.M. Nagar Extension Samarias Nagar
Santhanam Avenue, Residents Welfare Association,
No.1, Samaria Nagar, Thiruvallur Taluk, Thiruvallur District,
Rep by its Secretary V.Raja.

(R7 Suo moto impleaded vide order dated
13.03.2018 by NSSJ & R8 Suo moto impleaded
vide order dated 07.07.2021 made in W.a.155/2019
in W.P.No.4329 of 2018 by MMSJ, RNMJ)

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any appropriate Writ, Order or Direction, directing the 6th respondent to initiate acquisition proceedings to acquire the lands viz., 10 cents comprised in Survey No.633/1, Presently no.633/1B2, Perikuppam village, Tiruvallur District, Tiruvallur Taluk and pay compensation to the petitioners.

For Petitioner ... Mr. D.Selvam for
Mr. G. Thalaimutharasu

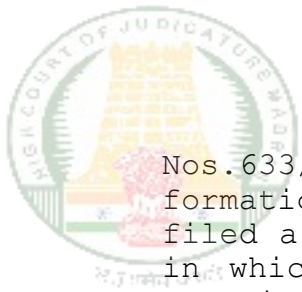
For Respondent ... Mr. R.R. Murugan Raju,
Government Advocate for R1 to R7

R8 ... Not Ready in Notice

O R D E R

The present petition has been filed seeking a direction to the 6th respondent to initiate land acquisition proceedings for acquisition of the subject lands and for payment of compensation towards the same to the petitioners.

2. The case of the petitioners is that they being absolute owners of the subject properties, have made an application before the 6th respondent/the Commissioner, Tiruvallur Municipality seeking building plan for the said properties. However, the 6th respondent had passed an order rejecting the application of the petitioners on the ground that there is a proposal to acquire the lands comprised in Survey



Nos.633/1B-1, 633/1B-2, 633/2B, 633/1A-2 for the purpose of formation of road. Against the said order, the petitioner had filed a Writ Petition in W.P.No.21190 of 2010 before this Court, in which, this Court had directed the 6th respondent to grant sanction of the plan in favour of the petitioner. Subsequently, a Writ Petition in W.P.No.20077 of 2009 was filed before this Court, in which, this Court had directed 6th respondent to acquire the subject lands. Despite the order of this Court, the 6th respondent has not made any efforts to comply the same. Aggrieved by the same, the petitioners sent a legal notice to the respondents seeking acquisition of a particular portion of the subject properties, however, the same was not considered by the 6th respondent. Since the 6th respondent had neither paid the compensation to the petitioners, nor initiated the acquisition proceedings with respect to the subject properties as per the direction of this Court, the petitioners have come up with the present petition seeking the aforesaid relief.

3. Learned Counsel for the petitioners submits that the petitioners are ready to give their respective lands for acquisition to the Municipality, if the fair compensation is paid to the petitioners towards the said acquisition. Hence, it would suffice, if this Court permits the petitioners to make fresh application before the 6th respondent for acquisition of lands through private negotiation and further a direction may be issued to the 6th respondent to dispose of the said application on merit, within the time that may be stipulated by this Court.

4. On the above contentions, this Court heard the learned Government Advocate appearing for the official respondents.

5. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the petitioners to make a fresh application for acquisition of subject lands before the 6th respondent herein, within a period of two weeks from the date of receipt of a copy of this order. On such application being made, the 6th respondent is directed to consider and dispose of the same on merits, after affording an opportunity of personal hearing to the aggrieved parties if any, within a period of four weeks thereafter.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

NHS

Sub Assistant Registrar



To

1. The Secretary,
Government of Tamil Nadu,
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6. The Commissioner,
Thiruvallur Municipality,
J.N.road,
Thiruvallur-602 001.
7. The Assistant Director,
Town and Country Planning,
Thiruvallur.

+1cc to Mr.G.Thalaimutharasu, Advocate SR.NO.25357
+1cc to Government Pleader, SR.NO.25520

W.P.No.4329 of 2018

KJ(CO)
PM/31/05/2022