



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. Nos.17537 and 17538 of 2012
and
MP Nos.1 and 1 of 2012

K.Ponnammal ..Petitioner in W.P. No.17537 of 2012
T.N.Shanmugavel ..Petitioner in W.P. No.17538 of 2012

versus

1. The State of Tamil Nadu
Rep. By Secretary to Government,
Housing and Urban Development Department,
U.D. III (1) Department,
Fort St. George, Chennai.
2. The Special Deputy Collector,
(Land Acquisition),
M.M.D.A. Schemes,
8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Chennai Metropolitan Development Authority,
8, Gandhi Irwin Road,
Egmore, Chennai - 600 008. ...Respondents in both W.P.s
4. C.Neela
5. C.Velayutham
- R4 and R5 impleaded as per order dated 27.07.2012
in MP Nos.2 and 2 of 2012 ...4th and 5th Respondents in
W.P.No.17537 of 2012
4. K.Sundaram
5. K.Mahalingam
- R4 and R5 impleaded as per order dated 27.07.2012
in MP Nos.2 and 2 of 2012 ...4th and 5th Respondents in
W.P.No.17538 of 2012

Prayer in W.P.No.17537 of 2012:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus forbearing the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner's land



comprised in S.No.27/4, measuring an extent of 80 cents [0.32.5 Hecs] situate in No.83, Nerkundram Village, Saidapet Taluk, Chengal MGR District, now Thiruvallur District.

Prayer in W.P.No.17538 of 2014:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus forbearing the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner's land comprised in S.No.27/3, measuring an extent of 60 cents situate in No.83, Nerkundram Village, Saidapet Taluk, Chengal MGR District, now Thiruvallur District.

For Petitioners in both W.P.s : Mr.Venkatachalapathy

For Respondents in both W.P.s : Mr.V. Veluchamy
AGP

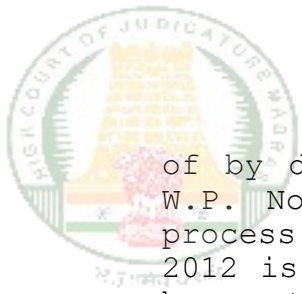
COMMON ORDER

Since the issue involved in both these writ petitions is one and the same, these writ petitions are disposed of by way of a common order.

2.When these writ petitions are taken up for hearing, the learned counsel appearing for the petitioners submitted that the petitioner in W.P. No.17537 of 2012 is the owner of the property in Survey No.27/2, 27/3 and 27/4 of Nerkundram Village and the petitioner in W.P. No.17538 of 2012 is claiming as Legal Heir of one Ganapathy, who died as Bachelor as well he is the owner of the property in Survey No.27/2 and 27/4 of the said village. It is the case of the petitioners that the said lands are likely to be acquired. He fairly submitted that the petitioners are still in possession of their lands after a long legal struggle. He further submits that this Court may issue appropriate orders to the respondents that the petitioners may not be evicted from their property without following due process of law. Hence, these writ petitions.

3.Replying to the contention raised by the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents, on instructions submitted that the lands belonging to the petitioner in W.P. No.17537 of 2012 will not be acquired without following due process of law, whereas the lands belonging to the petitioner in W.P. No.17538 of 2012 has already been taken over by CMRL. He further submitted that he has no objection for issuance of appropriate direction.

4.Recording the fair submission made by the learned Additional Government Pleader, these writ petitions are disposed



of by directing the respondents not to evict the petitioner in W.P. No.17537 of 2012 from his property without following due process of law. Insofar as the petitioner in W.P. No.17538 of 2012 is concerned, the property of the petitioner having already been taken over by CMRL, nothing further survives for adjudication in this petition.

5. Accordingly, W.P.No.17537 of 2012 is disposed of with the aforesaid direction and W.P.No.17538 of 2012 is closed. However, this Court makes it clear that insofar as the lands which have been taken over from the petitioner in W.P. No.17538 of 2012, it is left open to the petitioner to agitate the issue in the manner known to law insofar as his lands are concerned. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary to Government,
State of Tamil Nadu
Housing and Urban Development Department,
U.D. III (1) Department,
Fort St. George, Chennai.
2. The Special Deputy Collector,
(Land Acquisition),
M.M.D.A. Schemes,
8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Chennai Metropolitan Development Authority,
8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to Mr.M.Sriram, Advocate, S.R.No.19081

W.P.Nos.17537 and 17538 of 2012

RR(CO)
RGA(19/04/2022)