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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6891 of 2022

and

W.M.P.Nos.6934 & 6935 of 2022

1. R.Janakiraman
 2. R.Loganathan
- ...Petitioner

Vs.

1. The Secretary to the Government of Tamil Nadu,
Highways Department,
Fort St. George, Chennai-600 009.
 2. The District Collector,
Kancheepuram District,
Kancheepuram-631 501.
 3. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Project,
Division-IV, Alandur,
Chennai-600 0016.
 4. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Wing,
Tambaram Sub-Division, Chennai-42.
 5. The Tahsildar,
Tambaram, Chennai-600 045.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to restore the possession of the land in Survey No.432/1, Medavakkam Village or grant compensation to us for acquiring the said land by Land Acquisition.

For Petitioners : Mr.E.Balamurugan

For Respondents : Mr.P.Satheesh
Additional Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents to restore the possession of the land in Survey No.432/1, Medavakkam Village or grant compensation to the petitioners for acquiring the said land.

2. Mr.P.Satheesh, the learned Additional Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, the Special Tahsildar, Land Assignment, Saidapet, Chennai had issued Assignment Patta in favour of the petitioners' father vide proceedings in R.Di.17068/84 dated 09.10.1991 in respect of the property comprised in Survey No.432/1, measuring an extent of 1300 Sq. Ft. and the said land is classified as Grama Natham and the petitioners have constructed a concrete building in the said land and they are in absolute possession and enjoyment of the said property and paying the taxes without any default. Whiles, the 4th respondent sent a notice to remove the petitioners' property from the present place as the survey number falls within the jurisdiction of Highways Department. Immediately, thereafter, the petitioners' father approached this Court in W.P.Nos.30109 of 2002 and this Court vide order dated 22.07.2022 directed the 3rd respondent therein not to indulge in the act of eviction prior to conducting enquiry by the District Collector.

4. Thereafter, the Highways Department issued eviction notice dated 15.02.2016 to the petitioners and directed them to vacate the premises within seven days and the said notice was challenged before this Court in W.P.No.10006 of 2016 and initially Status Quo order was passed by this Court on 13.06.2016, however, subsequently, the Writ petition was dismissed for non prosecution on 08.02.2019. Taking advantage of the dismissal of the Writ petition, the Highways Department took illegal possession of the petitioners' property and demolished the concrete building put-up by the petitioners without giving any opportunity of fair hearing and till date they have not disbursed the compensation amount to the petitioners. Therefore, the petitioners made several representations before the respondents, seeking for re-conveyance of the said property or to pay the fair compensation for the acquired property and the recent representation made by the petitioners was on 31.01.2022, however, till date no orders have been passed on the same. Hence, the present Writ petition is filed with the above prayer.



5. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice if this Court issues direction to the respondents to consider the petitioners' representation dated 31.01.2022 and pass orders on the same within a particular time frame fixed by this Court.

6. The learned Additional Government Pleader appearing on behalf of the respondents has no objection for said order being passed and he fairly conceded that the petitioners' representation dated 31.01.2022 will be considered by the 3rd respondent and appropriate orders will be passed within the time stipulated by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 3rd respondent to consider the petitioners' representation dated 31.01.2022 on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Secretary to the Government of Tamil Nadu,
Highways Department,
Fort St. George, Chennai-600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram-631 501.
3. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Project,
Division-IV, Alandur,
Chennai-600 0016.



4. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Wing,
Tambaram Sub-Division, Chennai-42.

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5. The Tahsildar,
Tambaram, Chennai-600 045.

+1cc to Mr.E.Balamurugan, Advocate, S.R.No.20131

+1cc to the Government Pleader, S.R.No.20645

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and
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PL(CO)
SU(08/04/2022)