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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6782 of 2022

S.Sakthivel

... Petitioner

Vs.

1.The Competent Authority/
District Revenue Officer (LA),
National Highway,
Kancheepuram & Tiruvallur Districts (Joint)/
District Collectorate Office,
Chengalpattu & District.

2.The Special Tahsildar (Land Acquisition),
Mamallapuram to Puducherry expressway,
(Alagu-5), Office of District Collectorate,
Chengalpattu District.

3.S.Murugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to inspect and protect the petitioner's property in Survey No.140/14 measuring an extent of 147 sq.mtrs (3 $\frac{3}{4}$ cents) in Patta No.2402 at Vennangupattu Village, Cheyyur Taluk, Chengalpattu District against any trespass by the 3rd respondent or any other person, restore petitioner's possession until determination and payment of compensation under the Right to fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and thereafter seek delivery from him and in accordance with law, by considering the petitioner's representation dated 13.10.2021, within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.P.Sathish
Additional Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to inspect and protect the petitioner's property in Survey No.140/14 measuring an extent of 147 sq.mtrs (3 $\frac{3}{4}$ cents) in Patta No.2402 at Vennangupattu Village, Cheyyur Taluk, Chengalpattu District against any trespass by the 3rd respondent or any other person, restore petitioner's possession until determination and payment of compensation under the Right to fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and thereafter seek delivery from him and in accordance with law, by considering the petitioner's representation dated 13.10.2021, within a time frame as may be fixed by this Court.

2. The learned Additional Government Pleader appearing on behalf of the respondents take notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed as against the private respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property in Survey No.140/14, to an extent of 147 Sq.mts (3 $\frac{3}{4}$ cents) in Patta No.2402, situated in Vennangupattu Village, Cheyyur Taluk, Chengalpattu District. The first respondent's office had issued a notification to acquire petitioner's property, for the purpose of construction and widening of Mamallapuram to Puducherry expressway into four ways lanes. However, till date the 1st respondent's office has not determined and paid the compensation. As per Section 3D of the National Highways Act, the petitioner's land has statutorily vested with the Central Government. Taking advantage of this situation, the 3rd respondent, who owes adjoining land in Survey No.140/10A2A1 is attempting to trespass and take control of the petitioner's property to raise construction. Hence, the petitioner made a representation to the respondents on 13.10.2021, to inspect, protect the petitioner's property against any act of trespass and restore petitioner's possession until determination and payment of compensation. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.



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5. The learned counsel for the petitioner submitted that it would suffice if this Court issue a direction to the respondents to consider the petitioner's representation, dated 13.10.2021, and pass orders within a reasonable time that may be fixed by this Court.

6. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner's representation dated 13.10.2021, will be considered by the respondents, within a reasonable time that may be fixed by this Court.

7. This Court, without going into the merits of the case, directed the respondents to consider the petitioner's representation dated 13.10.2021, and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and to the aggrieved parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ petition is disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

Psa
To

1.The Competent Authority/
District Revenue Officer (LA),
National Highway,
Kancheepuram & Tiruvallur Districts (Joint)/
District Collectorate Office, Chengalpattu & District.

2.The Special Tahsildar (Land Acquisition),
Mamallapuram to Puducherry expressway,
(Alagu-5), Office of District Collectorate,
Chengalpattu District.

+1cc to M/s.R.Veeramani, Advocate Sr.19929
+1cc to the Government Pleader Sr.20323

W.P. No.6782 of 2022

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srg 06/04/2022