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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.7910 of 2022
and W.M.P.No.7906 of 2022

N.Selladurai

... Petitioner

Vs.

1. The District Collector,
Tiruvallur District.
2. The District Revenue Official,
CMRL Administrative Office,
Koyembadu, Chennai - 107.
3. The Special Tasildhar (LA),
CMRL Phase-II Project,
Koyembadu, Chennai - 107.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to acquire my property i.e land measuring 1360 sq.ft. or part thereon comprised in Old Survey No.749, Survey No.749/5 par, new Survey No.749/6 as per Patta No.555 at Karayancavadi, Poonamallee Taluk, Tiruvallur District in accordance and pass any other suitable order that may be deemed fit and proper.

For Petitioner : Mr.B.Manoharan

For Respondents R1 to R4 : Mr.V.Veluchamy

Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to acquire my property i.e land measuring 1360 sq.ft. or part thereon comprised in Old Survey No.749, Survey No.749/5 par, new Survey No.749/6 as per Patta No.555 at Karayancavadi, Poonamallee Taluk, Tiruvallur District in accordance and pass any other suitable order that may be deemed fit and proper.



2. Mr.V.Veluchamy, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition, on 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 petitioner is the owner of the natham land measuring an extent of 1360 sq.ft. or part thereon comprised in Old Survey No.749, Survey No.749/5 par, new Survey No.749/6 as per Patta No.555 at Karayancavadi, Poonamallee Taluk, Tiruvallur District. The said land was originally owned by one Subramaniya Chettiar. Thereafter, the petitioner purchased the above said property from the said Subramaniya Chettiar, by registered sale deed dated 11.11.1998 vide Document No.1228 of 1998. Thereafter, the revenue records were also mutated in the name of the petitioner and the petitioner also got the planning permit from the municipal authorities. However, without considering the same, the second respondent issued summon to the petitioner to remove the encroachment made in the said land.

4. The learned counsel for the petitioner submitted that the petitioner is the owner of the subject property which was purchased for a valid sale consideration and thereafter the petitioner also got the planning permit from the municipal officials which was not considered by the second respondent and further the second respondent issued summon to the petitioner to remove the encroachment made by the petitioner in the subject land which is not sustainable. In fact, on an earlier occasion, the petitioner made a request to the third respondent on 26.07.2021, to demarcate and mark the boundaries to the land which was acquired for CMRL project connecting to Poonamallee. Further, the learned counsel also submitted that this Court may permit the petitioner to produce all the relevant documents in order to prove his title before the second respondent within the stipulated time as fixed by this Court. If such documents are produced, the second respondent may issue direction to the third respondent to acquire the land if it is necessary for CMRL project.

5. Considering the facts and circumstances of the case, the petitioner is directed to produce all the relevant records to substantiate his title before the second respondent within a period of one week from the date of receipt of a copy of this order. If such documents are produced, the second respondent is directed to pass order and subject to the title of the petitioner, it is open to the second respondent to proceed with the matter for acquiring the land under the Land Acquisition Act, 1894 in the manner known to law, if it required for public purpose, within a period of twelve weeks thereafter.



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6. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

MN

To

1. The District Collector,
Tiruvallur District.
2. The District Revenue Official,
CMRL Administrative Office,
Koyembadu, Chennai - 107.
3. The Special Tasildhar (LA),
CMRL Phase-II Project,
Koyembadu, Chennai - 107.

+1cc to Mr.B.Manoharan, Advocate, S.R.No.22877

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NK(CO)
TE(05/04/2022)