

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5990 of 2013
and M.P.No.1 of 2013

Suranjan Naidu

..Petitioner

Versus

1.The Secretary to Government,
Transport (I2) Department,
Secretariat, Chennai-9.

2.The District Collector,
Kancheepuram District, Kancheepuram.

3.The special Tahsildar (L.A.)
Phase-I, Chennai Airport Expansion Project,
Sriperumpudur at
Kancheepuram.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to determine the damages to the petitioner land and buildings under construction comprised in S.No.47/2 over an extent of 1500 sq.ft. of Plot No.298 of EVP Town in 81 Tharapakkam Village, Sriperumpudur Taluk, Kancheepuram District for the acquisition proceedings under the provisions of Tamil Nadu Acquisition of Land for Industrial Purpose and pay such amount within the stipulated time fixed by this Honourable Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.P.Sathish, AGP

O R D E R

The petitioner has filed this writ petition seeking a direction to the respondents to determine the damages to the petitioner's land and buildings under construction comprised in S.No.47/2 over an extent of 1500 sq.ft. of Plot No.298 of EVP Town in 81 Tharapakkam Village, Sriperumpudur Taluk, Kancheepuram District for the acquisition proceedings under the provisions of Tamil Nadu Acquisition of Land for Industrial Purpose and pay such amount within the stipulated time fixed by this Honourable Court.

2. The facts of the case are as follows:

The petitioner is the owner of the plot No.298 over an extent of 1500 sq.ft. In an approved layout bearing No.16/2005

EVP Town comprised in S.No.47/2 of No.81 Tarapakkam Village, Sriperumpudur Taluk, Kancheepuram District. In the said plot, the petitioner was constructing a house by availing loan for a sum of Rs.23/- Lakhs. The petitioner's land was acquired by the Government for the expansion of the Airport, for which, the Government issued show cause notice under Section 3(2) in Form-A dated 05.12.2007 to the petitioner to submit his objection. On 24.01.2008 the Tahsildar had issued a notice to the petitioner to appear for personal hearing at his office. The petitioner's power holder had appeared for the hearing and submit his objection. However, there is no notification issued for determining the damages to the petitioner's land and buildings. In the meanwhile, the Airport authorities abandoned the project. Therefore, the petitioner made a representation on 18.01.2013 to the respondents to withdraw the land acquisition proceedings and fix the damages to the petitioner's land and building. Till date, the same was not considered by the respondent and hence, the present writ petition has been filed with the afore said prayer.

3. The learned counsel for the petitioner submitted that due to non lifting of freezing of building activities, the petitioner's builder could not continue the construction and due to long year gap, already constructed building also completely damaged. The HDFC Bank, who sanctioned the loan for the purchase of buying and construction of the house, is taking action to recover the loan amount from the petitioners personal properties. The petitioners entire hard earned money ruined. Therefore, this Court may permit the petitioner to file appropriate petition before the competent civil Court and canvas all the points before it.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of the Government and perused the materials available on record.

5. In view of the submissions made by the learned counsel for the petitioner, this Court, without interfering with the merits of the case, permits the petitioner to file appropriate petition/application before the competent civil Court and canvas all the points before the said court for getting appropriate compensation for damages.

6. With the above directions, this Writ Petition is disposed of. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
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Secretariat, Chennai-9.
- 2.The District Collector,
Kancheepuram District, Kancheepuram.
- 3.The special Tahsildar (L.A.)
Phase-I, Chennai Airport Expansion Project,
Sriperumpudur at
Kancheepuram.

+lcc to Mr.M.Muthappan, Advocate SR. No. 37584

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GPL (CO)
PR (18/07/2022)