

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14971 OF 2022

R.Karthikeyan

...Petitioner

vs.

1. The District Collector of Chengalpattu,
Chengalpattu - 603 111.
2. The Special District Revenue Officer (L.A.)
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram.
3. The Special Tahsildar (L.A.)
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to issue necessary notice and conduct proper enquiry by due process of law before acquiring the petitioner's lands viz., House site Plot, approved by DTCP in BRR Nagar Housing Layout, measuring an extent of 3454 ½ square feet, comprised in Grama Natham Survey No.835B/36, situate in No.68, Athur Village, Chengalpattu Taluk and District by considering the petitioner's representation dated 28.03.2022.

For petitioner : Mr.T.Dhanasekaran

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents herein to issue necessary notice and conduct proper enquiry by due process of law before acquiring the petitioner's lands viz., House site Plot, approved by DTCP in BRR Nagar Housing Layout, measuring an

extent of 3454 ½ square feet, comprised in Grama Natham Survey No.835B/36, situate in No.68, Athur Village, Chengalpattu Taluk and District by considering the petitioner's representation dated 28.03.2022.

2. The case of the petitioner is that he purchased the above said property from one A.V.Manoharan, vide sale deed dated 26.04.2010. After the said purchase, he is in possession and enjoyment of the said property and he constructed compound wall for his entire property. Thereafter the Highways Department demolished the compound wall which was constructed by the petitioner and necessary compensation has been paid to him. In order to acquire the land owned by the petitioner, the second respondent issued a Solution-Enquiry Call Order to upgrade the State Highways No.58(1) from Chengalpattu to Kanchipuram into four-way lanes. While so, the petitioner made a representation dated 28.03.2022, to the second respondent to conduct proper enquiry after issuing notice to the petitioner, based on the outcome of the enquiry the petitioner's land can be acquired by the respondent by following due process of law.

3. The learned counsel for the petitioner submits that this Court may issue a direction to the second and third respondents to conduct proper enquiry after issuing notice to the petitioner and based on the outcome of the enquiry, the petitioner's land can be acquired and by the respondent by following due process of law.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the fair submission made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the second and third respondents not to acquire the petitioner's land without conducting proper enquiry and by following due process of law.

7. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

RAP

Sub Assistant Registrar

To

1. The District Collector of Chengalpattu,
Chengalpattu - 603 111.
2. The Special District Revenue Officer (L.A.)
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram.
3. The Special Tahsildar (L.A.)
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram.

+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No.35844
+1cc to the Government Pleader, S.R.No.36424

W.P.No.14971 of 2022

AKII (CO)
PM/13/07/2022