



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21360 to 21362 of 2014

P.Ramesh ... Petitioner in W.P.No.21360/2014
S.Purushothaman ... Petitioner in W.P.No.21361/2014
B.Kannan @ Karthekeyan ...Petitioner in W.P.No.21362/2014
Vs.

1. The District Collector,
Kancheepuram District.
2. The Special Tahsildar,
Land Acquisition Inner Ring Road,
Chrompet, Chennai 600 044.
3. The Divisional Engineer (H),
Projects, Division No.1,
Guindy, Chennai 600 025.
4. The Chief Engineer (H) Projects,
Saidapet, Chennai 600015.
5. The Pay and Accounts Officer
Nandanam, Chennai 600 035.
6. Mr.C.subbiah
Secretary, Balaji Nagar
Government Employees Welfare &
House Site Society,
No.49, Sri Balaji Nagar,
Adambakkam, Chennai-88

... Respondents

Common Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 herein to consider the representation of the petitioners herein dated 28.3.2014 and to re-claim the compensation wrongfully paid to the 6th respondent and direct the respondents 1 to 5 herein to pay the compensation to the



petitioner in respect of the lands in T.S. No.252/7B, 252/14B and 252/8B of an extent of 0.177.0 sq.mt, 0.369.0 sq.mt, 0620.0 sq.mt. respectively.

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For Petitioners

in all petitions : Mr.AR.Karthik Lakshmanan

For Respondents

in all petitions : Mr.V.Veluchamy
Additional Government Pleader

O R D E R

The petitioner has filed this petition for issuance of writ of Mandamus directing the respondents 1 to 5 herein to consider the representation of the petitioners herein dated 28.3.2014 and to re-claim the compensation wrongfully paid to the 6th respondent and direct the respondents 1 to 5 herein to pay the compensation to the petitioner in respect of the lands in T.S. No.252/7B, 252/14B and 252/8B of an extent of 0.177.0 sq.mt, 0.369.0 sq.mt, 0620.0 sq.mt. respectively.

2. The case of the petitioners is that the property in Paimash No.481, bearing S.F.No.280 and T.S.No.252, was a very large extent and the same was purchased and owned by Raja Naicker, the great Grandfather of the petitioners and late Raja Naicker has purchased the above by three separate properties for his sons and was in peaceful possession and enjoyment of the same. It is further alleged by the petitioner that the late great grandfather Raja Naicker of the petitioners executed a conditional Settlement Deed, granting enjoyment rights to late Ponnusamy Naicker and his son and absolute right to alienate to the petitioners, which subsequently known as S.F.Nos.280/4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 and now known as Town Survey Number 252/4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and as per the Settlement Deed, enjoyment rights was given to one Ponnusamy, son of Raja Naicker and right to alienate was given to great grand children / petitioners herein and patta has also been granted in the name of the petitioner for the said property. While so, the 6th respondent herein appears to have played fraud in the year 1983 on the said property belongs to the petitioners and when the property was converted for formation of Inner Ring Road, the 6th respondent herein connivance with the Special Tahsildar, managed to get compensation for the lands belonging to the petitioner and illegally took away the compensation for the lands belonging to the petitioner. When the petitioner verified the revenue records, the petitioners' name was only shown in the records, but ultimately the 6th respondent had illegally received the



compensation under the Award dated 12.01.2009. When the petitioner in W.P.No.21361/2014, earlier filed a Writ Petition in W.P.No.11401 of 2013, for reclaiming the compensation which was wrongfully paid to the 6th respondent, this Court directed the Special Thasildar, Land Acquisition, to make a reference of the dispute and the 6th respondent was called upon to furnish bank guarantees for the amounts which they have already received. Thereafter it came to light that the 6th respondent had obtained patta to get compensation illegally from the land acquisition authorities. Hence, the petitioners made a representation to the respondents herein on 28.03.2014 and the same was received by the respondents, however till date, the respondents had not taken any action on the representation. Hence, the petitioners are constrained to approach this Court by filing these Writ Petitions.

3. The learned counsel appearing for the petitioners submitted that this Court may issue direction to the respondents 1 and 2 to implement the order dated 26.02.2014 made in W.P.No.11401/2013, particularly paragraph no.24 and prays for appropriate order in that regard.

4. The learned Additional Government Pleader has no serious objections for the said order being passed.

5. Facts in the present case is not in dispute that admittedly, the petitioner in W.P.No.21361/2014 had, already filed a Writ Petition in W.P.No.11401 of 2013, to consider the representation dated 05.01.2003 and to reclaim the compensation wrongfully paid to the 3rd respondent (6th respondent herein) and the relevant paragraph is extracted hereunder:

'24. It is made clear that if the bank guarantees as directed by this Court are not furnished in favour of Special Tahsildar, LA, Inner Ring Road, Chrompet, Chennai 600 044, within the specified time, the Special Tahsildar, LA, Inner Ring Road, Chrompet, Chennai 600 044 is directed to take appropriate proceedings for recovery of the compensation amount already paid, as if it is an arrears of revenue, under the provisions of the Recovery Act. No sooner Balaji Nagar Government Employees Welfare and House Site Society (Reg.No.144/1978) (writ petitioner in W.P.NO.14457/2013) complies with the directions of this Court in furnishing the bank guarantees stated supra, within the specified time, the Special Tahsildar, La, Inner Ring Road, Chrompet, Chennai 600 044 is directed to make reference immediately.'

6. A perusal of the above said order makes it clear that as directed by this Court, if the 6th respondent has not



furnished the bank guarantee within a specified time and the Special Tahsildar was directed to take appropriate proceedings for recovery of the compensation amount already paid, as if it is arrears of revenue under the provision of the Revenue Recovery Act. Thereafter, may refer the matter for apportionment of compensation before the competent Civil Court.

7. In view of the above, the respondents are directed to implement the order in W.P.No.11401 of 2013, within a period of twelve weeks from the date of receipt of a copy of this order, by considering the petitioners' representation dated 28.03.2014 and refer the matter interms of Section 30 of the Tamil Nadu Land Acquisition Act, for apportionment.

8. These Writ Petitions are disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District.
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Chrompet, Chennai 600 044.
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Saidapet, Chennai 600015.
5. The Pay and Accounts Officer
Nandanam, Chennai 600 035.

+1cc to M/s.AL.Ganthimathi, Advocate, S.R.No.20416
+1cc to the Government Pleader, S.R.No.20664

W.P.No.21360 to 21362 of 2014

SKM(CO)
SU(08/04/2022)