



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.12001 of 2014

P.Suresh Kumar

.. Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Fort St.George, Sate of Tamil Nadu,
Secretariat, Chennai-9.

2. The Chairman,
TANGEDCO,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

3. The Collector,
Tiruvallore District.

4.The Revenue Divisional Officer,
Ambattur, Tiruvallur District.

45 The Tahsildar,
Madhavaram Taluk Office,
Madhavaram.

6. The Revenue Inspector,
Redhills, Tiruvallur District.

.. Respondents

Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus, forbearing the respondents from taking possession of the property or interfering with the peaceful possession, enjoyment, occupation and use of the property at Plot Nos.138 and 139 in Survey Nos.86/1A, New Survey No.86/1A2 and Patta Survey No.86/1A1B, presently survey No.86/5, 86/6 as per Patta Nos. 2298 and 2299 situate at No. 40, Mathur Village, Puzhal Union Limits, by the Petitioner.



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For Petitioner : Mr. S.R.Raghunathan

For Respondent : Mr. L.JaiVenkatesh [For R2]

Mrs.D.Tamilselvi [For R1,R3 to R6]
Additional Government Pleader

O R D E R

This petition has been filed for forbearing the respondents from taking possession of the property or interfering with the peaceful possession, enjoyment, occupation and use of the property at Plot Nos.138 and 139 in Survey Nos86/1A, New Survey No.86/1A2.

2. The case of the petitioner is that he purchased the above said property in the year 2007, and that the taxes were duly paid by him from the date of purchase, and that the petitioner is in enjoyment, occupation and possession of the said property. During the year 2014, the petitioner came to know that the respondents have already made an acquisition in the year 1994 for setting up a sub-station for the second respondent/TNEB vide Government Order in G.O.Ms.No.2(D) No.56 dated 01.03.1994. On 07.03.1997 vide Letter No.I-1/4863/96, the Special Commissioner and Commissioner of Land Acquisition have written a letter to the Secretary to Government, Industries Department requesting for exclusion of lands, the petitioner approached the respondent Nos. 4 & 5 enquiring about exclusion of lands, but the respondents informed that in respect of the lands that were covered under the acquisition proceedings, possession is sought to be taken and they furnished a copy of the notice and did not inform the petitioner as to whether the petitioner's land was covered or not. By virtue of letter of Special Commissioner dated 07.03.1997 referred about the acquisition proceedings have been dropped and the possession of the land have not been taken over. In the light of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the proceedings stood abated and dropped. Hence, the petitioner filed the present writ petition seeking to forbear the respondents from taking possession of the property or interfering with the peaceful possession, enjoyment, occupation and use of the aforesaid property bearing Plot Nos.138 and 139 in Survey Nos.86/1A, New Survey No.86/1A2.

3. The learned counsel for the petitioner submitted that admittedly the petitioner purchased the property from his vendor in the year 2011 and it appears that prior to the year 2011, there was land acquisition proceedings initiated against the



petitioner's vendor. Challenging the acquisition proceedings, the petitioner's vendor filed a writ petition before this Court in W.P. No.28338 of 2014 and the same is pending. Therefore, this Court may permit the petitioner to canvas the issue in the same writ petition.

4. The learned Standing Counsel has no serious objection to the contention raised by the learned counsel for the petitioner.

5. Heard, learned counsel for the petitioner, the learned Additional Government Pleader and the learned Standing Counsel and perused the materials available on records.

6. The facts of the case are not in dispute. The disputed lands have already been acquired by the Government, for which, the Government had issued a notice for removal of encroachment. Thereafter, the learned counsel for the petitioner claimed that the petitioner's vendor has already filed a writ petition before this Court challenging the acquisition proceeding initiated by the respondents against the petitioner's vendor and the same is pending.

7. In view of the pendency of the similar writ petition, this Court is not inclined to interfere with the proceedings initiated against the petitioner and the claim sought for by the petitioner in this writ petition is liable to be rejected.

8. In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

Rli

To

1. The Secretary to Government,
Revenue Department,
Fort St.George, State of Tamil Nadu,
Secretariat, Chennai-9.



2. The Chairman,
TANGEDCO,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

3. The Collector,
Tiruvallore District.

4. The Revenue Divisional Officer,
Ambattur, Tiruvallur District.

5. The Tahsildar,
Madhavaram Taluk Office,
Madhavaram.

6. The Revenue Inspector,
Redhills, Tiruvallur District.

+1cc to Mr.C.Jaivenkatesh, Advocate SR.No.8750
+1cc to the Government Pleader, SR.No.9179

W.P. No.12001 of 2014

SPD(CO)
CB(01/04/2022)