

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.34469 of 2014

and

MP No.1 of 2014

1. Rabi Venkatesan
2. Venkatesan
3. Aarathi Venkatesan
4. Sithartha Venkatesan
5. Venkatesh Exports (P) Ltd.,
rep. By its Managing Director
Rabi Venkatesan
6. Venkatesh Enterprises
Rep. By its partner
Rabi Venkatesan

... Petitioners

Versus

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. Government of Tamil Nadu,
Rep. By its Secretary,
School Education Department,
Secretariat,
Chennai - 600 009.
3. Director of School Education,
Directorate of School Education,
DPI Campus,
Chennai - 600 006.
4. Head Master,
Government High Secondary School,
Kathivakkam,
Madhavaram Taluk,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 to 4 not to interfere with peaceful possession and enjoyment of

the subject property at Survey No.13/1 to extent of 1.50 acres Kathivakkam Village Thiruvallur District in the line of Judgment passed in W.A. 835 of 2014.

For Petitioners	:	Mr.Abudukumar Rajaratnam for G. Krishnakumar
For Respondents	:	Mr.R.P. Murugan Raja Govt. Advocate

ORDER

This writ petition has been filed for a direction to the respondents 1 to 4 not to interfere with peaceful possession and enjoyment of the subject property at Survey No.13/1 to an extent of 1.50 acres Kathivakkam Village Thiruvallur District in the line of Judgment passed in W.A. 835 of 2014.

2. The case of the petitioners is that the subject land was purchased by them and they are in absolute possession of the said land. Subsequently, their lands were acquired under the Land Acquisition Act, 1894 after issuance and publication of 4 (1) Notification as well as Section 6 Declaration and in this regard G.O. Ms. No.1333, Education Department dated 24.09.1990 was also issued. Challenging the said acquisition proceedings, writ petition has been filed in W.P. No.19066 of 1993 and the same was dismissed by this Court on 17.11.2000, which was confirmed in Writ Appeal No.2526 of 2001 on 01.04.2004. Thereafter, petitioners filed various Writ Petitions in the year 2004 in W.P. No.26361 of 2004, in the year 2011 in W.P. No.3989 of 2011 and lastly in the year 2013 in W.P. No.29240 of 2013 seeking different prayers. Subsequent to dismissal of W.P. No.29240 of 2013, Writ Appeal in W.A. No.835 of 2014 has also been filed, which was allowed by this Court and thereby, initial notification issued in G.O. Ms. No.1333, Education department dated 24.09.1990 has been quashed. That being the position, though the 4th respondent having knowledge of quashment of entire land acquisition proceedings and further without any authority is trying to interfere with the peaceful possession and enjoyment of the petitioner's property. Hence, this writ petition has been filed seeking for appropriate orders.

3. Learned counsel for the petitioners submitted that owing to struggle undergone by the petitioners and despite quashment of acquisition proceedings by this Court in W.A. No.835 of 2014,

that too without even paying or depositing the compensation amount either to the petitioners or before the competent Court, the respondents are trying to interfere with the possession and enjoyment of the property is illegal and unsustainable. He further submits that this Court may issue appropriate orders to the respondents that the petitioners may not be evicted from their property without following due process of law.

4. Replying to the contention raised by the learned counsel for the petitioners, learned Government Advocate appearing for the respondents, on instructions submitted that the lands belonging to the petitioners will not be acquired without following due process of law and he has no objection for issuance of appropriate direction.

5. Recording the submission made by the learned Government Advocate, this writ petition is disposed of by directing the respondents not to evict the petitioners from their property without following due process of law. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 600 009.
3. Director of School Education,
Directorate of School Education,
DPI Campus,
Chennai - 600 006.

4. Head Master,
Government High Secondary School,
Kathivakkam,
Madhavaram Taluk,
Thiruvallur District.

+1cc to M/s.G.Krishanakumar, Advocate, S.R.No.25887

+1cc to the Government Pleader, S.R.No.25518

W.P. No.34469 of 2014

AJS(CO)
SU(05/05/2022)