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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25912 OF 2014

AND

M.P.NO.2 OF 2014

1. Mr.N.Sagadevan
2. Mrs.Chandira
3. Ms.Gowri
4. Mrs.Meena
5. Ms.Vijaya

... Petitioners

.Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary,
Housing and Urban Development Department,
Chennai - 9.
2. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai - 8.
3. The Special Tahsildar,
The Land Acquisition Outer Ring
Road Project, Unit-IV,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai - 8.

... Respondents

PRAYER:-

The Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records on the file of the respondent one to third relating to section 4(1) Notification of the Land Acquisition Act 1894 Section 6 (1) Declaration of the land Acquisition Act 1894 and Section 12(2) notice of the Land Acquisition Act 1894 section 4 (1) dated 02.08.2000 in (G.O.Ms.No.280 Housing and Urban Department (UD3(2) 06.07.2000) Section 6(1) dated 08.08.2001 in (G.O.Ms.NO.348 Housing and Urban Department (UD3(2) 08.08.2001



and Section 12(2) in Award No.2 of 2013 dated 25.08.2003 respectively pertaining to petitioners land in Survey No.26/1A measuring a total extent of Acre 0.22.2 Cents or 0.09.0 Hectors situated at No.16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District by virtue of Sec 24(2) of the Right of Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and to quash.

For Petitioner : Mr.David Tyagaraj

For Respondents : Mr.Vigneswaran
Government Advocate

ORDER

This Writ Petition has been filed for declaration of the land Acquisition Act 1894 and Section 12(2) notice of the Land Acquisition Act 1894 section 4(1) dated 2.8.2000 in (G.O.Ms No.280 Housing and Urban Department (UD3(2) 6.7.2000) Section 6 (1) dated 8.8.2001 in (G.O.Ms.NO.348 Housing and Urban Department (UD3(2) 8.8.2001 and Section 12(2) in Award No.2 of 2013 dated 25.8.2003 respectively pertaining to petitioners land in Survey No.26/1A measuring a total extent of Acre 0.22.2 Cents or 0.09.0 Hectors situated at No.16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District.

2. The case of the petitioner is that the property situated at S.No.26/1A measuring a total extent of 0.22.2 cents in patta No.261 situated at No.16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District originally belongs to the petitioner's father Nagappa Naickar and he purchased the property from one Sadayandi and others on 27.12.1967 under Document No.3304 of 1967 registered with District Registrar, Chengalpet. After demise of the petitioner's father, the petitioner and his siblings were inherited the property. The third respondent issued 4(1) notification under the land acquisition Act on 02.08.2000 and Section 6 Declaration was published on 08.08.2001 for the purpose of implementing the outer ring road project. For receiving the compensation, the third respondent sent a notice on 25.08.2003 requesting the petitioner to produce all the documents in respect of S.No.26/1A. The petitioner approached the third respondent and produced all the title deed pertaining to the property which is under acquisition. However, till date, no compensation has been paid by the respondents and possession has not been till date and the lands are vacant and hence, the petitioner has been filed the present writ petition to quash the impugned order.



3. The learned counsel for the petitioner submitted that the notification was issued in the year 2001 for outer ring road project. As on date, the possession was not taken and the compensation amount was not given to the petitioner. Hence, the entire land acquisition proceedings are lapsed in terms of Section 22(4) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013. Hence, the learned counsel prays to allow the writ petition.

4. The learned Government Advocate submitted that the physical possession of the petitioner's patta land measuring an extent of 0.09.0 Hec. Of land comprised in S.No.26/1A had already been taken as early as on 18.12.2003 and the compensation amount was also kept under Revenue deposit on the same day. The contention made by the petitioner that the possession of the land was not taken by the respondents is totally false. Hence, this Court may dismiss the writ petition.

5. Heard, the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents, and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner's land was acquired for the purpose of laying the outer ring road and the possession was taken from the land owners including the petitioner and the said project was also completed. An award was passed in respect of the petitioner's land and the compensation amount was deposited by way of revenue deposit on 18.11.2003.

7. That being the situation, the petitioner claims for re-conveyance of land that the lands have not been put to use and therefore, it can be re-conveyed back to the petitioner. However, it is pointed out that by the Government Advocate that the acquisition proceedings have been completed and the subject land was taken over by the Government and the said project was also completed. Further, the requisitioning body also deposited the compensation as awarded by the Land Acquisition Officer and the amount is lying in the revenue deposit. The petitioner only has not taken any steps to receive the compensation amount.

8. That being the position, the claim made by the petitioner for re conveyance of the land is wholly unsustainable and the prayer sought for by the petitioner cannot be granted. However, this Court directs the respondents to pay the compensation amount along with interest to the petitioner within a period of four weeks from the date of receipt of a copy of this order.



9. With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Chennai - 9.
2. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai - 8.
3. The Special Tahsildar,
Land Acquisition Outer Ring
Road Project, Unit-IV,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai - 8.

+2ccs to Mr.David Tyagaraj, Advocate, S.R.No.25605
+1cc to the Special Government Pleader, S.R.No.26353

W.P.NO.25912 OF 2014 AND
M.P.NO.2 OF 2014

SKM(CO)
PBS/23/06/2022