



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.NOS.24744, 24799, 24802 & 24804 OF 2021 AND
W.M.P.NOS.26024, 26084, 26086, 26088 OF 2021

R.Pargunan	...Petitioner in W.P.No.24744 of 2021
P.Saravanan	...Petitioner in W.P.No.24802 of 2021
K.Ravichandran	...Petitioner in W.P.No.24799 of 2021
D.Mahalingam	...Petitioner in W.P.No.24804 of 2021

Versus

1.The District Collector,
Thiruvallur District,
Thiruvallur.

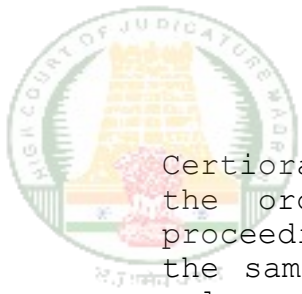
2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.

...Respondents in all W.Ps

PRAYER in W.P.No.24744 of 2021 : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent herein vide his proceedings in Na.Ka.No.1287/2021/A1 dated 02.11.2021 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to fix the compensation to the petitioner by invoking sections 23, 26, 27, 28 & 29 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) for the petitioner's lands in Survey No.455/6D2A2 measuring an extent of 042 Sq.Mts i.e., 452.08 Sq.ft at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

PRAYER in W.P.No.24802 of 2021 : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of



Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent herein vide his proceedings in Na.Ka.No.1287/2021/A1 dated 02.11.2021 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to fix the compensation to the petitioner by invoking sections 23, 26, 27, 28 & 29 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) for the petitioner's lands in Survey No.489/6G2 measuring an extent of 042 Sq.Mts i.e., 452.08 Sq.ft at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

PRAYER in W.P.No.24799 of 2021 : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent herein vide his proceedings in Na.Ka.No.1287/2021/A1 dated 02.11.2021 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to fix the compensation to the petitioner by invoking sections 23, 26, 27, 28 & 29 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) for the petitioner's lands in Survey No.455/6D2B2 measuring an extent of 059 Sq.Mts i.e., 642.51 Sq.ft at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

PRAYER in W.P.No.24804 of 2021 : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent herein vide his proceedings in Na.Ka.No.1287/2021/A1 dated 02.11.2021 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to fix the compensation to the petitioner by invoking sections 23, 26, 27, 28 & 29 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) for the petitioner's lands in Survey No.490/1A4B measuring an extent of 094 Sq.Mts i.e., 1023.66 Sq.ft at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

For Petitioners
in all W.Ps : Mr.A.R.Suresh

For Respondents
in all W.Ps : Mrs.D.Tamilselvi
Additional Government Pleader



COMMON ORDER

These writ petitions have been filed to quash the order passed by the third respondent and direct the respondents to fix the compensation to the petitioner by invoking sections 23, 26, 27, 28 & 29 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (30 of 2013) for the petitioners' lands at Thozhur Village, Thiruvallur Taluk, Thiruvallur District.

2. The case of the petitioners is as follows:

(i) The petitioners are the owners of the properties situated in Thozhur village in Thiruvallur District and from the date of acquiring the said properties, the petitioners were in possession and enjoyment of the same. According to them, the first respondent had proposed to acquire their lands for the construction of railway over bridge in lieu of the existing Level Crossing No.15 at the railway KM 35/30-32 in between Thiruninravur and Thiruvallur railway station and determined interim compensation.

(ii) While matter stood thus, the Assistant Divisional Engineer (Highways Department), Projects Sub Division-4, (addl.charge), Chrompet had issued a notice dated 08.08.2016, terming the petitioners as encroachers and insisted to remove the construction by 03.09.2016, failing which, the Department would remove the construction on 07.09.2016. Being aggrieved by the same, the petitioners approached this Court in W.P.Nos.30881, 30882, 31035, 31036 of 2016. This Court vide orders dated 19.02.2018 & 21.02.2018, allowed the above writ petitions.

(iii) Thereafter, to the shock and dismay of the petitioners, the third respondent herein has issued the impugned proceedings dated 02.11.2021, informing the petitioners to hand over the subject properties by 18.11.2021. Therefore, the petitioners are before this Court with the above prayer.

3. The learned counsel for the petitioners submitted that the issue has already been decided by this Court in WP.No.30882/2016 vide order dated 19.02.2018. Hence, the learned counsel prays that this Court may implement the order passed by this Court dated 19.02.2018 within the stipulated time as fixed by this Court.

4. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on records.

5. Considering the facts and circumstances of the case and also of the fact that the issue has already been settled before



this Court and the limited relief sought for by the petitioners, this Court directs the respondents to implement the order of this Court dated 19.02.2018 after completing necessary formalities within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

6. With the above direction, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.

+3ccs to Mr.A.R.Suresh, Advocate, Sr.No.8446, 8447, 8448

+1cc to the Government Pleader, Sr.No.8991

W.P.Nos.24744, 24799, 24802 & 24804 of 2021 and
W.M.P.Nos.26024, 26084, 26086 & 26088 of 2021

SPD(CO)
RVM(08/04/2022)