



W.P.Nos.27031 & 27034 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition Nos.27031 & 27034 of 2022
and W.M.P.Nos.26251 & 26255 of 2022

A.G.Sundararajan ... Petitioner in W.P.No.27031 of 2022
R.Karthikeyan ... Petitioner in W.P.No.27034 of 2022

Vs.

- 1.The District Collector of Chengalapattu,
Chengalpattu – 603 111.
- 2.The Special District Revenue Officer (L.A.),
Chennai – Kanyakumari Industrial Road Scheme,
Kanchipuram.
- 3.The Special Tahsildar (L.A),
Chennai – Kanyakumari Industrial Road Scheme,
Kanchipuram. ... Respondents in both W.Ps

PRAYER IN BOTH W.Ps: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the record pertaining to the order dated 05.08.2022 made in Na.Ka.No.703/2022/A2 of the 2nd respondent and to quash the same and directing the 2nd respondent herein to strike off the petitioner's land from acquisition as per the Tamil Nadu Government Gazette (Special Edition)

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No.367 Part VI Section 1 (Pages 21 to 25) dated 05.09.2020 or in the alternative pay compensation for the Petitioner's lands viz., House site Plot, approved by DTCP in BRR Nagar Housing Layout, measuring an extent of 3450 ½ square feet, comprised in Grama Natham Survey No.835B/36, situate in No.64, Athur Village, Chengalpattu Taluk and District from acquisition or in the alternative accord proper and due compensation as per the guideline value prevailing in that area to the petitioner.

For Petitioner : Mr.T.Dhanasekaran
in both W.Ps

For Respondents : Mr.K.M.D.Muhilan,
in both W.Ps Additional Government Pleader

COMMON ORDER

These writ petitions have been filed for seeking issuance of Writ of Certiorarified Mandamus, calling for the record pertaining to the order dated 05.08.2022 made in Na.Ka.No.703/2022/A2 of the 2nd respondent and to quash the same and directing the 2nd respondent herein to strike off the petitioners' land from acquisition as per the Tamil Nadu Government Gazette (Special Edition) No.367 Part VI Section 1 (Pages 21 to 25) dated 05.09.2020 or in the alternative pay compensation for the Petitioners' lands viz., House site Plot, approved by DTCP in BRR Nagar Housing Layout, measuring an extent of



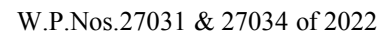
3450 ½ square feet, comprised in Grama Natham Survey No.835B/36, situate in No.64, Athur Village, Chengalpattu Taluk and District from acquisition or in the alternative accord proper and due compensation as per the guideline value prevailing in that area to the petitioner.

2. The case of the petitioners is that the property in survey No.853/B/36 was owned by one Chotta Bai Sahib and he possess the property by way of sale deed dated 21.06.1947 vide document No.1397 of 1947 from one A.E.Ahmed Hussain. Subsequently, Peer Sultan Sahib son of Chotta Bai Sahib purchased a land on the name of his first wife Habib Bibi from one A.S.Ramanjulu Reddiar to an extent of 13.99 acres on 14.12.1955 vide document No.2636 of 1955. Thereafter, the said Chotta Bai Sahib and Habib Bibi, father and first wife of Peer Sultan Sahib died interstate and he married Sabura Bibi as his second wife. Subsequently, the said Peer Sultan Sahib died interstate leaving his second wife Sabura Bibi and two sons viz., P.Niyamathullah and P.Nazurullah and they become the owner of the estate. Out of 13.99 acres, comprised in Grama Natham Survey No.835/B/36, the said Sabura Bibi and her sons, by way of Sale Deed dated 27.04.1998, registered as



document No.2253/1998 sold an extent of 49 cents to one B.Babu Reddiar.

After getting an approval from the Director of Town and country Planing, Chengalpattu (D.T.C.P), the said B.Babu Reddiar converted the land into house sites by preparing layout called “B.R.R. Nagar”. The Babu Reddiar sold the plot measuring 1750 sq. fts., comprising in the above said Grama Natham in favour of one A.V.Manoharan vide sale deed dated 03.07.2000, registered document No.1629 of 2000. Thereafter, the petitioners purchased a house site plot to an extent of 3450 ½ and 3454 ½ sq.ft., comprising in the above said Grama Natham from A.V.Manoharan, who in turn purchased a property from Babu Reddiar vide sale deed dated 26.04.2010 vide document Nos.2726 & 2735 of 2010. Subsequent to the purchase of the house site plot, the petitioners constructed a compound walls on the entire property and they are in possession and enjoyment of the property. Whiles, the said lands were acquired by the Highways Department under State Highways Act and they paid compensation to the compound walls alone and refused to pay compensation to the land purchased by the petitioners. Aggrieved by the same, the petitioners filed these writ petitions with the aforesaid prayer.



4. Learned Additional Government Pleader appearing for the respondents would submit that originally, the petitioners' vendor vendor ss only 1755 sq.ft., whereas the petitioners' document shows 2600 sq.ft., which is contrary to the parent document and further the petitioners' have not



obtained patta to confer the title. Therefore, the rejection order passed by the second respondent is perfectly valid and the same cannot be interfered with.

Accordingly, he prayed for dismissing the writ petition.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. The facts in the present case is not in dispute. Admittedly, the petitioners purchased the property from one A.V.Manoharan vide document Nos.2762 & 2735 of 2010 on 26.04.2010 and possess a title. Further it is also not in dispute that the petitioners' vendor A.V.Manoharan purchased a property from Babu Reddiar vide document No.1629 of 2000 dated 03.07.2000, however, the respondents refused to pay compensation to the subject property on the ground that the petitioners have not obtained patta. As rightly submitted by the learned counsel for the petitioner, this court has repeatedly held that the patta is not a title, if it all the respondents have doubt with regard to the title possessed by the petitioners, the Land Acquisition Officer has to refer the matter before the competent Civil Court in terms of Section 20 of the Tamil



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Nadu Highways Act. Instead of referring the matter to the competent Civil Court for deciding the title and rejecting the petitioners' claim is not sustainable one.

7. Accordingly, the impugned order passed by the second respondent is set aside and this Court directs the second respondent to refer the matter to the competent Civil Court in terms of Section 20 of the Tamil Nadu Highways Act for deciding the title for apportionment of compensation within a period of four weeks from the date of receipt of a copy of this order, if the said reference is made by the second respondent, the reference Court is directed to decide the issue within a period of six months thereafter.

8. With the aforesaid direction and observation, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking Order : Yes/No

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M.DHANDAPANI,J.

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