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WP.No.27583 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.27583 of 2022
and W.M.P.No.26829 of 2022

M/s. Lakshmipathi Brick Works
A registered Partnership Firm
being represented by one of its Partner
P.Srinivasan
Son of K.Parthasarathy
No.11, Vada Noombal Road
Perumal Agaram
Chennai – 600 077

.. Petitioner

Versus

1.The Chairman Cum Managing Director
Tamil Nadu Housing Board
CMDA Complex
E&C Market Road
Koyambedu, Chennai – 600 107

2.The Executive Engineer
The Tamil Nadu Housing Board
JJ Nagar Division, Thirumangalam
Chennai – 600 101

3.The Tahsildar
Office of the Tahsildar
Maduravoyal Taluk
Chennai

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the 3rd respondent to measure



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the land which is subject matter of acquisition comprised in Survey No.102/4 for an extent of acres 0.79 cents Nolambur Village, Maduravoyal Taluk, Chennai District and thereon direct the 1st and 2nd respondents to restrain from putting up any form of construction over the land comprised in Survey No.104/1, of an extent of acre 0.08 cents situated in Nolambur Village, Maduravoyal Taluk, Chennai District handover the possession of the said lands to the petitioner thereon adequately compensate the petitioner in respect of the act of the respondents 1 and 2 in demolishing the structure and the said land.

For Petitioner : Mr.A.Palaniapan
For Respondents : Mr.A.M.Ravindranath Jayapal for R1 & R2
Mr.U.Bharanidharan for R3
Additional Government Pleader

ORDER

This writ petition is filed seeking for the issuance of Writ of Mandamus to direct the 3rd respondent to measure the land which is subject matter of acquisition comprised in Survey No.102/4 for an extent of acres 0.79 cents Nolambur Village, Maduravoyal Taluk, Chennai District and thereon direct the 1st and 2nd respondents to restrain from putting up any form of construction over the land comprised in Survey No.104/1, of an extent of acre 0.08 cents situated in Nolambur Village, Maduravoyal Taluk, Chennai District handover the possession of the said lands to the petitioner thereon adequately compensate the petitioner in respect of the act of the respondents 1 and 2 in demolishing the structure of the said land.

2. The case of the petitioner is that the respondents 1 and 2 Board has



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acquired the portion of the land in Survey No.102/4 for an extent of acres 0.98 cents Nolambur Village, Maduravoyal Taluk, Chennai District. However, the petitioner firm claims that after sub-dividing the said survey number, 0.19 cents belongs to the petitioner firm. Hence, the petitioner firm seeks to measure the subject property. It is the grievance of the petitioner that before measuring the subject property, the lands in question is allegedly taken possession by demolishing the compound wall. Hence, this petition.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of this case, this Court without going into the merits of this case, directs the petitioner to make a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this Order and the third respondent is directed to consider the representation of the petitioner, if any being filed and pass appropriate orders on the petitioner's representation to survey, fix the boundaries for the land comprised in Survey No.102/4 for an extent of acres 0.79 cents situated at Nolambur Village, Maduravoyal Taluk, Chennai District, on merits and in accordance with law, within a period of twelve weeks thereafter, on payment of requisite fees.



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5. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition stands closed.

14.10.2022

dhk

Index: Yes/No

Internet: Yes/No

To

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M. DHANDAPANI, J.

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