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W.P.No.30377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30377 of 2022

R.Kotteeswari

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works Department,
Secretariat,
Chennai-9.
- 2.The Chief Engineer,
Water Resource Department,
Chepauk,
Chennai-5.
- 3.The District Collector,
Chennai District,
Chennai.
- 4.The Special District Revenue Officer,
Land Acquisition and Management,
Chennai Collector's Office,
Chennai-1.
- 5.The Special Tahsildhar (Land Acquisition),
Ring Road Project,
Chromepet,
Alandur Taluk,
Chennai-44.
- 6.The Divisional Engineer
Highways Department,
Saidapet, Chennai-15.



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7.The Junior Engineer,
Water Resources Organisation,
Irrigation Section,
Padappai,
Chengalpattu District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent in his proceedings in Na.Ka.No.523/2022/A1, dated 01.11.2022, and quash the same and consequently direct the respondents to acquire her land as per notice dated 29.01.2011 and give adequate compensation and also construct drainage in front of her house, within a reasonable time framed by this Hon'ble Court.

For Petitioner : Mr.P.Murali

For Respondents : Mr.S.Ravichandran for R1, R2 and R7
Additional Government Pleader
Mr.U.Baranidharan for R3 to R6
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the fourth respondent in his proceedings in Na.Ka.No.523/2022/A1, dated 01.11.2022 and to quash the same and to consequently direct the respondents to acquire the petitioner's land as per the notice dated



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29.01.2011 and give adequate compensation and also construct drainage in front of her house, within a reasonable time frame.

2.The case of the petitioner is that the petitioner purchased the land in S.No.29/5 at Puzhuthivakkam Village measuring an extent of 820 sq.ft., from one K.Balasundaram through his power agent on 28.10.1991 and also constructed a 400 sq.ft. building. Whiles, the fifth respondent issued land acquisition notice dated 29.01.2011 for acquisition of 25.0 sq.meter of her land and on receipt of the same, the petitioner gave her consent and requested to provide compensation earlier and since there was no response, the petitioner filed W.P.No.28393 of 2019 before this Court seeking direction to the third respondent therein to consider the petitioner's representation and to give adequate damage and also construct drainage in front of her house and this Court vide order dated 02.11.2021 disposed of the said writ petition by directing the petitioner to give fresh representation. Immediately thereafter, the petitioner made representation to the respondents and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted



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that though the petitioner gave consent for acquisition of land, the same has not yet been done and further submitted that unless the respondents construct drainage in front of the petitioner's house, it affects the ingress and egress to her house.

4.In the counter affidavit filed on behalf of respondents 1, 2 and 7, dated 23.11.2022, in paragraph nos.4 and 6, it has been stated as follows:

"4.It is submitted that the petitioner herein has made representation to the 2nd respondent's office on 19.10.2022 to grant No Objection Certificate to use her land since land acquisition was not done to reach the road.

6.It is submitted that the fourth respondent has passed an order on 01.11.2022 stating that action will be initiated for acquisition of land and payment of compensation under Act 30 of 2013. In the event of acquisition of land that Water Resources Department will commence the work for closure of gap in the storm water drain of 10 meter by constructing a retaining wall."



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5. In the counter affidavit filed by the fourth respondent, dated 24.11.2022, in paragraph nos.8 and 12, it has been stated as follows:

"8) It is respectfully submitted that in the said circumstances, the Divisional Engineer (Construction and Maintenance), City Road Division, Saidapet was addressed in this office letter No.Rc.523/2022/A1 dated 09.10.2022 with a request to inform the present status of the Land Acquisition proceedings initiated by the Highways Department for acquisition of an extent of 25.0 Sq.metres of land comprised in S.No.29/5 of Madipakkam Village of Sholinganallur Taluk held by the petitioner. The Divisional Engineer, (Construction and Maintenance) was also requested to make arrangements for payment of compensation if the said land is acquired by the Highways Department. If the said land is not acquired by the Highways Department as notified in R.c.No.F3/1538/2011 dated 29.01.2011, then a "No objection Certificate" shall be issued stating that the land held by the petitioner was not acquired by the Highways Department. The reply from the Divisional engineer is still awaited.

12) It is therefore prayed that this Hon'ble court may be pleased to grant



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considerable time as the public works department is in need of the portion of the land held by the petitioner and appropriate action has to be proceeded to acquire the petitioner's land and to pay the compensation to the petitioner and thus render justice."

6.The learned Additional Government Pleader appearing for the respective respondents submitted that the counter affidavit filed by the respondents will be implemented in letter and spirit.

7.In view of the above, the respondents are directed to implement their statement in the respective counter affidavits, within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of with the above direction. No costs.

30.11.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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M.DHANDAPANI,J.
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