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W.P.No.3601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.3601 of 2023 and
W.M.P.Nos.3671, 3673 & 3675 of 2023

1. R.Amalan Babu
2. R.Titus Leo

.. Petitioners

VS

1. The Government of Tamil Nadu
Represented by its Secretary
Housing and Urban Development Department
Secretariat, Chennai 600 009.

2. Special Tahsildar (Land Acquisition)
MRTS Phase II Extension
Mylapore at CMDA
Thalaimuthu Natrajan House No.1 Gandhi Irvin Road
Egmore, Tamil Nadu 600 008.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 20.09.2016 in decree No.1 of 2016 and the consequential proceedings dated 26.08.2021 issued by the second respondent in Lr.No.R.C.No.133/2021/A relating to deposit of the compensation amount of Rs.14,24,223 on 06.03.2015 and Rs.3,76,694 on 10.07.2017 in the Sub-Court at Tambaram in the name of the erstwhile owner Tmt Ethirajammal relating to compensation towards acquisition of land to an extent of 41 Sq. mt or 441 Sq. ft in Survey No. T.S.No.89 & 90, Old Survey No.73/1 of Block 9 Ward "F" in Adambakkam Village and quash the same and direct the second respondent to remit the compensation amount for the said 441 Sq. ft of land to the petitioners as the true and lawful owner of the said property ever since 1975.



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For Petitioners : Mr.D.Rajasekaran
For Respondents : Ms.Akila Rajendran
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 20.09.2016 in decree No.1 of 2016 and the consequential proceedings dated 26.08.2021 issued by the second respondent in Lr.No.R.C.No.133/2021/A, relating to the deposit of the compensation amount of Rs.14,24,223/- on 06.03.2015 and Rs.3,76,694/- on 10.07.2017 in the Sub-Court at Tambaram in the name of the erstwhile owner one Ethirajammal relating to compensation towards acquisition of land to an extent of 41 Sq. mt or 441 Sq. ft in Survey No. T.S.No.89 & 90, Old Survey No.73/1 of Block 9 Ward “F” in Adambakkam Village and quash the same and direct the second respondent to remit the compensation amount for the said 441 Sq. ft of land to the petitioners, as the true and lawful owner of the said property ever since 1975.

2. The land to the extent of 441 Sq. ft belonging to the petitioners was aquired for the MRTS Phase-II extension from Velachery to St. Thomas Mount



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and the said land was purchased by the petitioners from the erstwhile owner of the said property one Ethirajammal, who is the vendor to the petitioners.

3. When that being so, the respondents, by communication dated 26.08.2021, in the name of endorsement, passed the following orders:

“

Endorsement

This is with reference to your R.T.I. Application dated 02.08.2021

An extent of 41 Sq. m or 441 Sq. ft is taken for “MRTS Phase-II Extension from Velachery to St. Thomas Mount. The lands in the name of Tmt.Ethirajammal as per Revenue Records.

An amount of Rs.14,24,223/- was deposited in Civil Court deposit on 06.03.2015 in Sub-Court, Tambaram and again an amount of Rs.3,76,694/- was deposited as Civil Court Deposit on 10.07.2017.”

Challenging the same, the present writ petition has been filed.

4. Assailing the said order, learned counsel appearing for the petitioners would submit that, no doubt, the land originally stands in the name of



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Ethirajammal, who is the original owner of the property in question. Subsequently, the same has been purchased from the said Ethirajammal by sale deed dated 22.05.1975. Since then, the petitioners have been in continuous possession and enjoyment of the property.

5. When that being so, without giving opportunity to the petitioners to verify the title and ownership of the property in question, which stood in the name of the petitioners, the respondents have taken a stand that the land, since was in the name of Ethirajammal as per the revenue records, the compensation amount was deposited on 06.03.2015 in Sub-Court, Tambaram. Again further amount was deposited on 10.07.2017 only in the name of Ethirajammal. Therefore, the learned counsel appearing for the petitioners would seek indulgence of this Court to permit the petitioners to withdraw the said amount, for which, necessary orders to be passed, he contended.

6. Heard Ms.Akila Rajendran, learned Government Advocate appearing for the respondents, who would submit that, based on the revenue records only, the ownership of the property or the person who is in possession and enjoyment of the property would be determined and in whose favour only, the compensation



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amount would be deposited, which has been stated in the impugned endorsement dated 26.08.2021.

7. I have considered the said submissions made by learned counsel appearing for both sides and have perused the materials placed before this Court.

8. Since the land in question originally stood in the name of Ethirajammal, from whom the petitioners claims to have purchased the property on 22.05.1975 and a valid sale deed also have been registered before the concerned Registering Authority, there can be no further impediment to establish the title of the petitioners and therefore, after verifying the same, the entitlement of the petitioners to get compensation shall be decided.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- (i) That the impugned endorsement order is set aside;
- (ii) The matter is remitted back to the respondents for reconsideration. While reconsidering the same, the petitioners shall be given an opportunity to put forth the case by filing



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documents to established their title and ownership of the property in question and based on which, necessary orders shall be passed by the respondents within a period of six weeks from the date of receipt of a copy of this order and based on the order to be passed by the respondents, if it is in favour of the petitioners, based on the same, the petitioners would be entitled to get the compensation amount and the compensation can be withdrawn, which already has been deposited in the concerned Court.

10. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index: Yes/No
Neutral Citation :Yes/No
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R. SURESH KUMAR, J.

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