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W.P.Nos.12406 & 12411 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 24.04.2023**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.Nos.12406 & 12411 of 2023**

**and**

**W.M.P.Nos.12242 & 12246 of 2023**

**W.P.No.12406 of 2023:**

Mrs.B.Vedha

...Petitioner

Vs.

1.The Commissioner of Survey & Settlement,  
The Government of Tamil Nadu,  
PWD Estate, Chepauk,  
Triplicane, Chennai – 600 005.

2.The Project Officer (FAC)  
Chennai-Kanyakumari Industrial  
Corridor Project,  
CKICP Complex, HRS Campus,  
No.76, Sardar Patel Road,  
Guindy, Chennai – 600 025.

3.The Chief Engineer  
Chennai-Kanyakumari Industrial  
Corridor Project,  
CKICP Complex, HRS Campus,  
No.76, Sardar Patel Road,  
Guindy, Chennai – 600 025.



W.P.Nos.12406 & 12411 of 2023

WEB COPY

4.The Divisional Engineer (Highways)

Chennai-Kanyakumari Industrial  
Corridor Project,  
No.11, A.L.C. Complex,  
Pudupalayam, Cuddalore – 1.

5.The Special Revenue Divisional Officer

(Land Acquisition)  
Chennai-Kanyakumari Industrial  
Corridor Project,  
RDO Office, First Floor,  
Collectorate, Kanchipuram – 631 501.

6.The Special Tahsildar (Land Acquisition)

Chennai-Kanyakumari Industrial  
Corridor Project,  
State Highways – 9,  
Cuddalore – Madapattu Unit  
ALC Complex, No.10, YMCA Colony,  
Pudupalayam, Cuddalore – 1.

..Respondents

**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 6<sup>th</sup> respondent to conduct re-survey in respect of alignment or alteration made in the acquired punja land measuring 4575 square meters out of 6115 square meters comprised in Punja Survey No.83/1A2, Re-Survey No. 83/1A1, situated at Kanisapakkam-I, Panrutti Taluk, Chennai, Kanyakumari Industrial Corridor Project, State Highways – 9, Cuddalore-Madapattu Unit and issue report thereof to the petitioner to enable the petitioner herein to get fresh patta as per petitioner's representation dated 09.02.2023.



W.P.Nos.12406 & 12411 of 2023

**W.P.No.12411 of 2023:**

Mrs.M.Suganya

...Petitioner

Vs.

- 1.The Commissioner of Survey & Settlement,  
The Government of Tamil Nadu,  
PWD Estate, Chepauk,  
Triplicane, Chennai – 600 005.
- 2.The Project Officer (FAC)  
Chennai-Kanyakumari Industrial  
Corridor Project,  
CKICP Complex, HRS Campus,  
No.76, Sardar Patel Road,  
Guindy, Chennai – 600 025.
- 3.The Chief Engineer  
Chennai-Kanyakumari Industrial  
Corridor Project,  
CKICP Complex, HRS Campus,  
No.76, Sardar Patel Road,  
Guindy, Chennai – 600 025.
- 4.The Divisional Engineer (Highways)  
Chennai-Kanyakumari Industrial  
Corridor Project,  
No.11, A.L.C. Complex,  
Pudupalayam, Cuddalore – 1.
- 5.The Special Revenue Divisional Officer  
(Land Acquisition)  
Chennai-Kanyakumari Industrial  
Corridor Project,  
RDO Office, First Floor,



W.P.Nos.12406 & 12411 of 2023

Collectorate, Kanchipuram – 631 501.

6.The Special Tahsildar (Land Acquisition)  
Chennai-Kanyakumari Industrial  
Corridor Project,  
State Highways – 9,  
Cuddalore – Madapattu Unit  
ALC Complex, No.10, YMCA Colony,  
Pudupalayam, Cuddalore – 1.

..Respondents

**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 6<sup>th</sup> respondent to conduct re-survey in respect of alignment or alteration made in the acquired punja land measuring 1540 square meters out of 2306 square meters (3846 square meters) out of 6115 square meters, comprised in Punja Survey No.83/1A2 and 83/2B2, Re-Survey No. 83/2B and 83/1A2, situated at Kanisapakkam-I, Panrutti Taluk, Chennai, Kanyakumari Industrial Corridor Project, State Highways – 9, Cuddalore-Madapattu Unit and issue report thereof to the petitioner to enable the petitioner herein to get fresh patta as per petitioner's representation dated 09.02.2023.

For Petitioners : Mr.S.Marshall  
(in both W.Ps)

For R1 to R6 : Mr.P.Sanjay Gandhi  
Government Advocate  
(in both W.Ps)



W.P.Nos.12406 & 12411 of 2023

### **COMMON ORDER**

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The writ petition in W.P.No.12406 of 2023 has been filed to direct the 6<sup>th</sup> respondent to conduct re-survey in respect of alignment or alteration made in the acquired punja land measuring 4575 square meters out of 6115 square meters comprised in Punja Survey No.83/1A2, Re-Survey No. 83/1A1, situated at Kanisapakkam-I, Panrutti Taluk, Chennai, Kanyakumari Industrial Corridor Project, State Highways – 9, Cuddalore-Madapattu Unit and issue report thereof to the petitioner to enable the petitioner herein to get fresh patta as per petitioner's representation dated 09.02.2023.

1.1. In respect of W.P.No.12411 of 2023, the relief sought for is to direct the 6<sup>th</sup> respondent to conduct re-survey in respect of alignment or alteration made in the acquired punja land measuring 1540 square meters out of 2306 square meters (3846 square meters) out of 6115 square meters, comprised in Punja Survey No.83/1A2 and 83/2B2, Re-Survey No. 83/2B and 83/1A2, situated at Kanisapakkam-I, Panrutti Taluk, Chennai, Kanyakumari Industrial Corridor Project, State Highways – 9, Cuddalore-Madapattu Unit and issue report thereof to the petitioner to enable the



W.P.Nos.12406 & 12411 of 2023

petitioner herein to get fresh patta as per petitioner's representation dated 09.02.2023.

2. It is not in dispute that the portion of the land, which belonged to the petitioners were acquired for expansion of National Highways and the petitioners admit that the compensation paid by the Government has already been received.

3. The learned counsel for the petitioners state that the petitioners are not seeking any further compensation or otherwise. However, if there is an issue in respect of allotment of land, such issues cannot be decided in a writ proceeding by the High Court.

4. The demarcation of land or allotment or otherwise are to be made either by the competent authorities and if at all the issues are not resolved, then the petitioners have to approach the competent Civil Court of law for the purpose of establishing their rights. Contrarily, the High Court in a writ proceedings cannot demarcate or decide the allotment of an immovable



W.P.Nos.12406 & 12411 of 2023

property. Since the acquisition and the settlement of compensation are not in dispute between the parties, the petitioners are at liberty to approach the competent Civil Court of law for the purpose of redressal of their grievances.

5. With this liberty, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**24.04.2023**

Index : Yes  
Speaking order  
Neutral Citation: Yes  
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To

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The Government of Tamil Nadu,  
PWD Estate, Chepauk,  
Triplicane, Chennai – 600 005.

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W.P.Nos.12406 & 12411 of 2023

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WEB COPY



W.P.Nos.12406 & 12411 of 2023

**S.M.SUBRAMANIAM, J.**

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**W.P.Nos.12406 & 12411 of 2023**

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