



WEB COPY



WP No.36521 of 2

And

Contempt Petition No.2823 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-08-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.36521 of 2016

And

Contempt Petition No.2823 of 2016

And

WMP No.31429 of 2016 and Sub Application No.627 of 20165

Y.Wilson,
S/o.G.Y.P.Doss,
No.34, O.T.C. Apartment,
Public Health Centre,
Poonamallee Village,
Thiruvallur District Represented his
Power Agent Mr.A.Selvaraj,
Plot No.160, Selliamman Nagar,
Chennai-600 048.

... Petitioner in WP 36521/2016 and
Contempt Petition No.2823/2016

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Highways (NH2) Department,
Secretariat, St. George Fort,
Chennai-600 009.



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2.The Additional Chief Secretary and
the Commissioner for Land Administration,
Chepauk,
Chennai-600 005.

3.The District Collector,
Kancheepuram District.

4.The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai.

5.The Revenue Divisional Officer,
Chengalpet.

6.The Highways Rural Development Corporation,
Represented by its Divisional Engineer,
Chengalpattu.

7.The Special Tahsildar,
Chrompet,
Chennai-600 044.

... Respondents in WP 36521/2016

1.Mrs.Gajalakshmi, I.A.S.,
District Collector,
Kancheepuram District.

2.Mr.Panneerselvam,
Revenue Divisional Officer,
Chengalpet.

3.Mr.Selvakumar,
Divisional Engineer,
Highways Rural Development Corporation,
Chengalpattu.



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4.Mr.Senthil,
Special Tahsildar,
Chrompet,
Chennai-600 044.

... Respondents in Contempt
Petition No.2823/2016

WP No.36521 of 2016 is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to pay compensation of Rs.60,00,000/- or in the alternative provide 1000 sq. ft., land at No.3, Kilambakkam Village comprised in Survey No.44/9 as per the provisions of Tamil Nadu Fair Compensation Act, 2014 to the petitioner.

Contempt Petition No.2823 of 2016 is filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for their willful disobedience of the order dated 19.10.2016 passed by this Court in WMP No.31429 of 2016 in WP No.36521 of 2016.

For Petitioner both in
WP and Contempt Petition : Mr.R.Karunagaran

For Respondents-1 to 3 and 5
to 7 in WP and for
Respondents in Contempt
Petition : Mr.R.Ramanlaal,
Additional Advocate
General.



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For Respondent-4 in WP : Mr.G.Venkatesan

COMMON ORDER

The relief sought for in WP No.36521 of 2016 is to direct the third respondent to pay compensation of Rs.60,00,000/- or in the alternative provide 1000 sq. ft., land at No.3, Kilambakkam Village comprised in Survey No.44/9 as per the provisions of Tamil Nadu Fair Compensation Act, 2014 to the petitioner.

2. The Contempt Petition No.2823 of 2016 is preferred to punish the respondents herein for their willful disobedience of the order dated 19.10.2016 passed by this Court in WMP No.31429 of 2016 in WP No.36521 of 2016.

3. WP No.36521 of 2016 has been filed by Mr.Y.Wilson, represented through the Power Agent Mr.A.Selvaraj. The Original Allottee Mr.Y.Wilson is not residing in the allotted tenement and the Power Holder



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Mr.A.Selvaraj claiming himself as tenant of the Slum Clearance Board .

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4. It is not in dispute the lands allotted to few persons in that locality were acquired for public purposes. The Over Bridge was constructed for the benefit of the Railways.

5. The learned Additional Advocate General appearing on behalf of the respondents 1 to 3 and 5 to 7 in the writ petition and the respondents in the contempt petition, brought to the notice of this Court that the compensation was paid to the allottees. The learned Additional Advocate General made a submission that no Sale Deed was executed in favour of any of the allottees and before that acquisition proceedings of the lands were initiated for construction of Over Bridge for the benefit of the Railways. However, the compensation was settled in favour of the persons, who all are eligible and an alternate accommodation was provided to all eligible persons during the relevant point of time in the year 2015-2016.



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6. The petitioner Mr.Y.Wilson was also found to be the beneficiary of an alternate allotment of land. Beyond the compensation settled, an alternate land also has been provided to all the eligible persons effected on account of the acquisition made by the Government.

7. The facts regarding allotment of an alternate land, is not disputed by the petitioner in the counter-affidavit filed in the Contempt Petition No.2823 of 2016 against an interim order passed in WP No.36521 of 2016.

8. The Revenue Divisional Officer, Chengalpattu filed a counter-affidavit. In the said counter-affidavit, it is stated that out of 40 plots, structures have been erected in 30 plots and they were intimated to submit the relevant documents to the seventh respondent for making payment.



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9. The four allottees, including the petitioner, were not approached the Special Tahsildar for receiving compensation. Other allottees had already received the compensation amount in the months of March and April 2016 respectively. However, an alternate and has already been made in favour of the petitioner and he occupied the said alternate land provided by the respondents in lieu of allotment, originally granted by the Slum Clearance Board.

10. This being the factum, the compensation as such sought for in the present writ petition to the tune of Rs.60 lakhs, cannot be granted in favour of the writ petitioner. Regarding the alternate land, which was already granted, the petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition.

11. Accordingly, WP No.36521 of 2016 stands dismissed and consequently, the Contempt Petition No.2823 of 2016 and the Sub



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Application No.627 of 2016 stand closed. However, there shall be no order

as to costs. The connected miscellaneous petition is also dismissed.

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Highways (NH2) Department,
Secretariat, St. George Fort,
Chennai-600 009.
- 2.The Additional Chief Secretary and
the Commissioner for Land Administration,
Chepauk,
Chennai-600 005.
- 3.The District Collector,
Kancheepuram District.
- 4.The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
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5.The Revenue Divisional Officer,
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7.The Special Tahsildar,
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8.Mrs.Gajalakshmi, I.A.S.,
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10.Mr.Selvakumar,
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