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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CONT.P.No.2203 of 2023

in

W.P.No.21098 of 2021

M.Mani

... Petitioner

Vs.

1.Rahul Nath,
The District Collector,
Chingleput District,
Chingleput.

2.Tmt. Rajammal
Special Tahsildar (Land Acquisition)
Chennai Peripheral Ring Road Project – Unit 5,
No.21/61, 3rd Cross Street,
M.M. Avenue, Kancheepuram – 631 502.

... Respondents

Prayer: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, pleaded to punish the respondents for willfully and deliberately disobeying and violating the order of this Court dated 22.10.2021 passed in W.P.No.21098 of 2021.



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For Petitioner : Mr.Christopher Vijayachandran
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

Contempt proceedings have been initiated for Certiorified Mandamus directing the grant of compensation to the petitioner. This Court after considering the case of the petitioner therein, directed the respondents to consider the representation and that would be sufficient without expressing any opinion on the petitioner's representation. The writ petition was disposed of with a direction to the respondents that after obtaining the patta by the petitioner, the petitioner is directed to approach the 3rd respondent / Tahsildar to claim appropriate compensation. On receipt of the same, the 3rd respondent is also directed to conduct an inquiry with regard to the land in the Survey No.13/1 of No.84, Singaperumal Koil Village and to verify and pass appropriate orders on merits and in accordance with law after issuing appropriate notice to the parties.

2. The learned Special Government Pleader appearing on behalf of the respondents has filed a status report by way of an affidavit and stated that the petitioner did not produced any patta obtained from the Tahsildar,



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Chengalpattu. Moreover, an enquiry was conducted by the 3rd respondent with the petitioner and as well as one other called Mr.V.Ramanakumar, in whose name the patta stand as per the Village record. On personal hearing given to the petitioner on 13.06.2023, it is submitted that the petitioner has given a statement that he purchased 0.05 Cent out of the total extent of 0.22 Cent comprised in Survey No.13/1 of Singaperumal Koil Village from Mr.G.Murugesan son of Govindaraja Naicker in Document No.550/1980, but he did not produce any patta or chitta in his favour.

3. However, it is submitted by the learned Special Government Pleader that on personal hearing, the petitioner has given a statement and assured for production of the registered documents to prove his ownership over the said land and he produced a copy of patta No.437 along with the extract of Natham Settlement fair adangal and thereby claimed compensation amount for this said land. He has also assured to produce the registered sale deed for the land. But the petitioner has not produced any registered sale deeds as assured by him.

4. It is further submitted that another person Mr.D.Vedhachalam son of Duraisamy also appeared for the personal hearing on 13.06.2023 and



produced copies of patta, chitta, sale deed and encumbrance certificate for the land comprised in Survey No.13/1 and requested to take appropriate action on the payment of compensation.

5. As there are too many claims made, the 3rd respondent is not in a position to pay the compensation. Therefore, the Tahsildar has sent a report in letter No.L.Dis.2344/2023/B1 dated 22.09.2023, where he has stated that the patta produced for the lands in S.No.13/1 and 13/4 are not genuine and according to the Natham Village Records, the lands comprised in Survey No.13/1 measuring to an extent of 00020 Sq.Mtrs. stands classified as 'Sarkar Poramboke Vacant Land' and the land comprised in Survey No.13/4 measuring to an extent of 00050 Sp.Mtrs. stands classified as 'Sarkar Poramboke Grama Natham'.

6. In view of the above said report of the 3rd respondent / Tahsildar Chengalpattu further shows that two more rival claims have been preferred for the payment of compensation. Hence, the 3rd respondent is not able to disburse the compensation amount to any other person including the writ petitioner. It is submitted that the 3rd respondent is ready to deposit the compensation amount for the suit land before the appropriate Court.



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7. Considering the fact that there are many claims for the compensation amount and submission made by the 3rd respondent in his status report, the 3rd respondent is directed to deposit the compensation amount before the appropriate Court and they shall complete the said proceedings as per the direction issued by the Court. However, it is left open to the petitioner to prove his claim before the Competent Court and then claim for the compensation amount, which is been deposited in the Court.

8. Accordingly, this Contempt Petition stands closed. No costs.

22.11.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



To

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V.BHAVANI SUBBAROYAN, J.

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