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W.P.No.2359 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 2359 of 2019

A.I.P.Raj @ A.Ponraj Israel

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
Shop No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
- 3.The District Collector,
Chennai District,
Chennai.
- 4.The District Collector,
Thiruvallur District,
Thiruvallur.



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5.The District Revenue Officer,
Chennai District, Chennai.

6.The District Revenue Officer,
Thiruvallur District, Thiruvallur.

7.The Revenue Divisional Officer,
Ambattur, Ambattur Road,
Chennai - 600 053.

8.The Tahsildar,
Madhavaram Taluk,
Thiruvallur District.

9.The Executive Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board,
New Avadi Road, Kumar Nagar,
Kilpauk, Chennai - 600 010.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the compensation for the lands belong to the petitioner in S.No.53/16, Surapattu Village, Ambattur Taluk (presently Madhavaram Taluk), Thiruvallur District to an extent of 67 cents utilized by the 2nd respondent - Chennai Metropolitan Water Supply and Sewerage Board without following the procedure established by law or in alternative to restore the land in its original position, by considering the representation submitted by the petitioner dated 12.12.2018, within a time frame.



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For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.C.Kathiravan
Special Government Pleader for R1, 3 to 8
Mr.N.Paul Sunder Singh for R2 and R9

ORDER

This Writ Petition has been filed for a direction, directing the respondents to pay compensation for the lands belonging to the petitioner comprised in Survey No.53/16, Surapattu Village, Ambattur Taluk (presently Madhavaram Taluk), Tiruvallur District to an extent of 67 cents which was utilized by the 2nd respondent without following the procedure of law and to restore the land in its original position by considering the representation dated 12.12.2018.

2. The petitioner had purchased the property comprised in Survey No.53/16 situated at Surapattu Village, Ambattur Taluk, Tiruvallur District to an extent of 67 cents by a registered sale deed dated 11.12.2022 in vide Document No.6984 of 2002 from M/s.South India Corporation Limited.

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During the year 2017, the 2nd respondent laid pipeline in the subject land.

Thereafter, the petitioner came to understand through the Right to Information Act that the subject property was not acquired so far and no entry in the revenue records in respect of the subject property as if it was acquired under the Land Acquisition Act. The petitioner's vendor sold the subject property in the year 2002 in favour of the petitioner and informed that the subject property was not acquired so far and it were not aware of any acquisition proceedings in respect of the subject property.

3. On perusal of the counter filed by the respondents 1, 2 & 9 and submission made by the learned counsel for the respondents revealed that including the subject land, lands were acquired under the Land Acquisition Act by the 7th respondent during the year 1986 for the purpose of construction of third conduit from Puzhal Lake to Kilpauk for Metro Water Supply Scheme. The conduit is transmitting raw water from Redhills Lake to Kilpauk water treatment plant for treatment and supply water to Chennai City. The following lands were acquired for the said purpose



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Officer, Saidapet in Award No.3/86 dated 25.8.1986 are given below.

Sl. No.	Survey No.	Extent	The nature of compensation	Value of Compensation	Name
1	57	1.32	Cash	28,624.20	Kannabiran reddy
2	53/10 A1	0.13	Amount kept in RD	38,092.40	Chenorasakaran Muthayase
3	53/12	0.67			
4	53/14	0.79			
5	53/17A	0.32			

		1.10 cent			
9	53/8A	0.13 cent	Cash	2673.35	Ranga reddy
10	53/13	0.81 cent	Cash	16325.35	M. Kannabiran
11	53/16	0.67 cent	Kept in RD	13,503.70	South India Corporation
12	190/A1A	1.30 cent	Cash	3930.20 2620.10 2620.10 7860.30	Srinivasa reddy Jeevarathnam M. Elumalai E. Elumalai
13	190/A2A1A	0.23 cent	Cash	1508.10 1506.55	R.M. Jayaraman R.M. Manoharan
14	190/A2A1B	0.27 cent	Cash	1788.55 1788.55	R.M. Jayaraman R.M. Manoharan
15	190/A2ATC	0.28 cent	Cash	8053.65	Ganesan Arumugam Subramaniyam
16	190/A2B1A	0.24 cent	Cash	4030.80	Pattammal
17	190/A2B5A	0.10 cent			
18	190/A2A2A	0.21 cent	Cash	2751.10	S.A. Govindarajan
19	190/A2C1A	0.35 cent	Cash	5633.25 2292.60	S.A. Govindarajan Dharmalingareddy
20	190/A2C3	0.08 cent	Cash	5633.25 2292.60	S.A. Govindarajan Dharmalingareddy
21	190/A2C3A	0.35 cent	Cash	2292.85	R. Govindarajan
22	190/A2D1	0.16 cent	Cash	1896.80	Chellammal
23	190/A2B1	0.82 cent	Cash	2620.15 4978.20 1196.60	S.V. Krishnan E. Elumalai Dharmaraja reddy
24	190/A2B3A	0.32 cent	Kept in RD	13507.70	Rajagopal reddy
25	190/2B4A	0.10 cent	Kept in RD	1165.85	D. Pattammal



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4. After acquisition, award was passed in Award No.3 of 1986 dated 25.08.1986. In so far as the subject land is concerned, the petitioner's Vendor namely, M/s. South India Corporation Limited was awarded with compensation of Rs.13,503.70/-. Thereafter, the construction work and improvement work were carried on during the year 2017 and the subject land comprised in Survey No.53/16 has been taken possession by the 2nd respondent. Therefore, the petitioner's vendor suppressed the acquisition proceedings and sold the property to the petitioner.

5. In view of the above, the claim of the petitioner cannot be considered and the same is devoid of merits. Accordingly, this Writ Petition is dismissed. No costs.

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Internet : Yes/No

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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