



W.P.Nos.8324 of 2018 and 19302 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.12.2023

PRONOUNCED ON : 14.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **P.VELMURUGAN**

W.P.Nos.8324 of 2018 & 19302 of 2020 and
W.M.P.No.32683 of 2023

1. Hotel Pallava Park
Rep. by its Managing Partner M.Ravi,
No.54 GST Road,
Chengalpet-603 001.
2. M.Ravi
3. M.Ravisekar
4. K.Chandran
5. M.Ravikumar
6. Arivudai Nambi
7. R.Gnaneswaramoorthy ...Petitioners in W.P.8324/2018

M/s.Mahindra World City Developers Limited.,
Administrative Block Central Avenue,
Mahindra World City, Chengalpettu Taluk,
Kancheepuram 603 004. ...Petitioner in W.P.19302/2020

Vs.



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1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Industries (MIE-2) Department,
Fort St.George, Chennai – 600 009.
2. The District Collector,
Kancheepuram.
3. The Sub Collector,
Chengalpattu, Kancheepuram District.
4. The Regional Deputy Inspector (Survey)
Chengalpattu, Kancheepuram District.
5. The Tahsildar,
Chengalpattu, Kancheepuram.
6. The Assistant Executive Engineer,
Operation and Maintenance – North
Chengalpattu, Kancheepuram District.
7. The Deputy Director,
Town and Country Planning,
Chengalpattu, Kancheepuram District.
8. M/s.Mahindra World City Developers Ltd.,
Administrative Block Central Avenue,
Mahindra World City, Chengalpettu Taluk,
Kancheepuram 603 004. ...Respondents in W.P.8324/18



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1. The Revenue Divisional Officer,
Chengalpattu, Chengalpattu District.
2. State of Tamil Nadu,
Rep. by its Secretary to Government,
Industries (MIE-2) Department,
Fort St.George, Chennai 600 009.
3. The District Collector,
Kancheepuram (now Chengalpattu),
Chengalpattu District.
4. The Sub- Collector, Chengalpattu,
Chengalpattu District.
5. The Regional Deputy Inspector (Survey)
Chengalpattu, Chengalpattu District.
6. The Tahsildar, Chengalpattu Taluk,
Chengalpattu District.
7. The Assistant Executive Engineer,
Operation and Maintenance – North
Chengalpattu, Chengalpattu District.
8. The Deputy Director,
Town and Country Planning,
Chengalpattu, Chengalpattu District.
9. Hotel Pallava Park,
Rep. by its Managing Partner M.Ravi,
No.54, G.S.T.Road,
Chengalpattu – 603 001.



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10.M.Ravi
11.M.Ravisekar
12.K.Chandran
13.M.Ravikumar
14.Arivudainambi
15.R.Gnaneswaramoorthy

...Respondents in W.P.19302/20

Prayer in W.P.8324/2018: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Declaration declaring that the lands of an extent of 0.68.0 ares in survey No.405/1B2B of Chettipunniamman Village, Chengalpattu Taluk Kancheepuram District is not covered under any land acquisition proceedings and the proceedings were dropped as per G.O.Ms.No.106 dated 25.07.2016 of the first respondent and the petitioners are entitled to use the lands as per their convenience.

Prayer in W.P.19302/2020: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the sixth respondent to take necessary action to implement the order bearing RC.No.1409/2020/B1 dated 28.10.2020, issued by the first respondent herein.

For Petitioners : Mr.AR.L.Sundaresan, Senior Advocate for
M/s.Meenakshi – in W.P.8324/2018

Mr.Srinath Sridevan, Senior Advocate for
M/s.Aishwarya S.Nathan in W.P.19302/20

For Respondents : Mr.S.Silambanan, Addl.Advocate General
Assisted by Mr.P.Gurunathan, AGP for



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RR1 to 7 in W.P.8324/18
and RR1 to 8 in W.P.19302/20

Mr.Srinath Sridevan, Senior Advocate for
M/s.Aishwarya S.Nathan for R8 in
W.P.8324/18

: Mrs.AL.Ganthimathi, Senior Advocate for
M/s.Meenakshi for RR9 to 15

COMMON ORDER

The writ petition in W.P.No.8324 of 2018 has been filed to declare the lands of an extent of 0.68.0 ares in survey No.405/1B2B of Chettipunniamman Village, Chengalpattu Taluk Kancheepuram District is not covered under any land acquisition proceedings and the proceedings were dropped as per G.O.Ms.No.106 dated 25.07.2016 of the first respondent and the petitioners are entitled to use the lands as per their convenience.



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The writ petition in W.P.No.19302 of 2020 has been filed to direct the sixth respondent to take necessary action to implement the order bearing RC No.1409/2020/B1 dated 28.10.2020, issued by the first respondent.

3 The issue to be decided in both the writ petition is one and the same and hence both the writ petitions are disposed of by this common order.

4 Learned counsel appearing for the writ petitioner in W.P.No.8324 of 2018 would submit that the property to an extent of 2.02.5 hectares in Survey No.405/1B was originally registered in the name of Chenghu Raghava Chettiar under patta No.294. Thereafter his sons partitioned the said property under a partition deed dated 30.09.1967 under which two acres and 50 cents of land was allotted to the Krishnamoorthy and the western half of 2 acres and 50 cents in Survey No.405/1B2 was allotted to SR.Kumar. In the said property, the first petitioner purchased an



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extent of 0.79 cents in Survey No.405/7, petitioners 2 to 5 purchased 0.41 cents in Survey No.405/6 and the petitioners 6 & 7 have purchased an extent of 0.47 cents in Survey No.405/1B2B under sale deeds dated 30.11.2006.

4.1 The petitioners having come to the fact that various lands in the said area have been acquired for the purpose of industrial city and for the benefit of Mahindra World City Developers Ltd.,, made an application on 10.10.2006 under the Right to information Act and the petitioner was informed that the lands in Survey No.405/1B2B is not covered under the acquisition proposal. While so, the original owner of the petitioners' property was directed to surrender the possession and since on the strength of the same, the respondents were disturbing the peaceful possession of the petitioners, the petitioner approached this Court by way of writ and obtained interim injunction.

4.2 Further the petitioners made representation before the first respondent requesting them to exclude 1.67 acres of land in Survey No.405/1B2B from the acquisition proceedings, for which, the first



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respondent by G.O.Ms.No.88 dated 30.07.2009 ordered that an extent of 1.67 acres in Survey No.405/1B2B and 3.212 acres in Survey Nos.405/3, 405/4 and 405/5 be dropped. Pursuant to the said G.O. the petitioner in W.P.No.19302 of 2020 filed writ petition in W.P.No.20424 of 2009 challenging the G.O. and this Court by order dated 29.01.2010 dismissed the writ petition, against which he moved an appeal, wherein the matter was remitted back to the first respondent with a direction to consider the matter afresh. Thereafter G.O.Ms.No.106 dated 25.07.2016 was issued, wherein the earlier decision to drop the land acquisition with regard to Survey Nos.405/3, 405/4 and 405/5 is to be retained and the dropping of the land acquisition with regard to Survey No.405/1B2B is hereby cancelled, stating that the same was not at all the subject matter of the land acquisition.

4.3 The learned Senior Counsel further contended that even though in the G.O.Ms.No.106 dated 25.07.2016 it is stated that Survey No.1B2B is not a subject matter of the land acquisition, now clarification has been raised to the first respondent stating that originally the lands in Survey Nos.405/1B2A was 0.68.0 and 405/1B2B was 1.01.2 hectares but the same



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was not approved and later the sub division were approved in 405/1B2A as 1.01.0 hectares and 405/1B2B as 0.68 0 hectares and further sub divided as 405/1B2B, 405/6 and 405/7 and hence requested for a clarification as to whether the lands have been exempted from land acquisition proceedings.

4.4 The official respondents without properly appreciating the facts, have now raised the above clarification and in view of which, the petitioner in W.P.No.19302 of 2020 viz. Mahindra World City Developers Ltd., raised objections and due to which the petitioners are not able to get electricity connection and are not able to develop their lands.

5 The learned Senior Counsel appearing for the writ petitioner in W.P.No.19302 of 2020 i.e. Mahindra World City Developers Ltd., (herein after referred to as ' MWCDL') would submit that originally the land in S.No.405/1 measuring to an extent of 5Acrs was held by Chenchuraghavlu Chetty and a partition came to be effected between the sons of Chenchuraghavlu Chetty namely S.Rukmani Kumar and S.Krishnamoorthy and western half was allotted to S.R.Kumar and eastern half of was allotted



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to Krishnamoorthy. MWCDL purchased eastern portion of lands in S.No.405/1B2B vide sale deeds dated 24.12.1997 from the legal heirs of Krishnamoorthy.

5.1 Thereafter since the other portions of the land was also required by the MWCDL to form an industrial park as discussed with the State Government, declaration under Section 6 of the Tamil Nadu Acquisition of Lands for Industrial Purpose Act, 1997 (in short 'the Act') was published intending to acquire lands in S.No.405/1B2A belonging to legal heirs of S.R.Kumar, which was challenged by the vendors of the petitioner in W.P.No.8324 of 2018 viz. Hotel Pallava Park, by way of writ and the same was allowed with liberty to the Government to proceed afresh from the stage of enquiry under Section 5A of the Act.

5.2 Thereafter G.O.Ms.150 dated 30.11.2006 with regard to S.No.405/1B2A was issued, through which the western half was validly and finally acquired. The sale deed of Hotel Pallava Park and other to an extent of 0.79 Acs in western half from legal heirs of S.R.KUmar also executed on



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the same day i.e. on 31.11.2006, when the G.O.Ms.No.150 was issued.

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5.3 Therefore from the above it is apparent that the Government intended to acquire the western portion, which then belonging to the legal heirs of S.R.Kumar. Further Hotel Pallaval Park having purchased their lands from the legal heirs of S.R.Kumar could only claim title to the western portion.

5.4 There was error an the sub-division made on 09.03.2005, wherein, eastern parts was renumbered as 405/1B2A and western parts was renumbered as 405/1B2B. Thereafter since Hotel Pallava Park made representation to the Government to drop the acquisition proceedings with regard to lands in S.No.405/1B2B, 405/3, 405/4 and 405/5, G.O.Ms.No.88 dated 30.07.2009 was issued dropping the acquisition proceedings.

5.5 Challenging the said G.O.Ms.No.88, MWCDL filed writ petition, which was dismissed, against which appeal also filed, which was allowed, consequent to which, G.O.Ms.No.106 dated 25.07.2016 was



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issued, wherein it was clarified that S.No.405/1B2A was only acquired and hence dropping of acquisition with regard to S.No.405/1B2B is not necessary and the same is cancelled.

5.6 Further the District Collector, Kanchipuram, by order in Na.Ka.No.10/1998/F5 dated 24.08.2018 set aside the erroneous reclassification proceedings dated 09.03.2005 and restored the original survey numbers prior to reclassification. Moreover it has been stated that RDO made a note on 08.09.2018 to cancel the patta of the petitioners in W.P.No.8324 of 2018 in view of the acquisition proceedings.

5.7 Moreover, from a bare perusal of the acquisition notices and the Sale Deeds of M/s.Hotel Pallava Park, it is clear that the vendors of M/s.Hotel Pallava Park are the persons whose land is the subject matter of acquisition. The petitioners in W.P.No.8324 of 2018 cannot take advantage of the confusion in the subsequent sub-division.



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5.8 The learned Senior Counsel further contended that it is well settled proposition of law that when there is discrepancy in the survey numbers, boundaries will prevail over the survey numbers. Therefore the Sale Deeds dated 30.11.2006, even if assumed to be valid, it only pertains to western portion, since boundaries are very clear. To support his contentions, the learned Senior Counsel relied on the decisions of the Hon'ble Supreme Court reported in *AIR 1963 SC 1879 and 2016 SCC OnLine Mad 11508*.

6 Mr.S.Silambanan, learned Additional Advocate General assisted by Mr.P.Gurunathan, learned Additional Government Pleader would submit that originally the lands in S.No.405/1B2 was stood in the name of Chenjuraghava Chettiyar and it was subsequently subdivided as 405/1B2A and 405/1B2B. The MWCDL purchased the lands in S.No.405/1B2B and acquisition proceedings was initiated for the lands to an extent of 0.68.0 Hectares in S.No.405/1B2A. There was swapping in the sub division made vide order dated 09.03.2005, which was also rectified by the order of the District Collector, Kanchipuram, dated 24.08.2018. Therefore, admittedly there was some error in the sub-division, which let to confuse.



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The Sub-Collector, Chengalpattu has also filed status report on the subject matter of the lands.

7 Heard the learned Senior Counsel appearing for the petitioners in both the writ petitions and the learned Additional Advocate General for the official respondents and perused the materials available on record.

8 Admittedly originally the land in S.No.405/1 measuring to an extent of 5 Acres was held by Chenchuraghavlu Chetty and a partition came to be effected between the sons of Chenchuraghavlu Chetty namely S.Rukmani Kumar and S.Krishnamoorthy and western half was allotted to S.R.Kumar and eastern half of was allotted to Krishnamoorthy. MWCDL purchased eastern portion of lands in S.No.405/1B2B vide sale deeds dated 24.12.1997 from the legal heirs of Krishnamoorthy. Thereafter declaration under Section 6 of the Act was published intending to acquire lands in S.No.405/1B2A belonging to legal heirs of S.R.Kumar to form an Industrial Park by the MWCDL, which was challenged by the vendors of the petitioner in W.P.No.8324 of 2018 viz. Hotel Pallava Park, by way of writ and the



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same was allowed with liberty to the Government to proceed afresh from the stage of enquiry under Section 5A of the Act.

9 Thereafter G.O.Ms.150 dated 30.11.2006 with regard to S.No.405/1B2A was issued, through which the western half was validly and finally acquired. The sale deed of Hotel Pallava Park and other to an extent of 0.79 Acs in western half from legal heirs of S.R.KUmar was executed on the same day i.e. on 31.11.2006, when the G.O.Ms.No.150 was issued. A perusal of the sale deeds of the Hotel Pallava Park and the notice in the acquisition proceedings would clearly show the boundaries of the properties.

10 It is an admitted fact that there was error during the subdivision made on 09.03.2005, wherein, eastern parts was renumbered as 405/1B2A and western parts was renumbered as 405/1B2B. Thereafter since Hotel Pallava Park made representation to the Government to drop the acquisition proceedings with regard to lands in S.No.405/1B2B, 405/3, 405/4 and 405/5, G.O.Ms.No.88 dated 30.07.2009 was issued dropping the acquisition proceedings, but the said G.O. was quashed in the writ appeal



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filed by the MWCDL and G.O.Ms.No.106 dated 25.07.2016 came to be issued, wherein it was clarified that S.No.405/1B2A was only acquired and hence dropping of acquisition with regard to S.No.405/1B2B is not necessary and the same is cancelled.

11 Further it is also brought to the notice of this Court that the District Collector, Kanchipuram, by order in Na.Ka.No.10/1998/F5 dated 24.08.2018 set aside the erroneous reclassification proceedings dated 09.03.2005 and restored the original survey numbers prior to reclassification, which in fact was sought to be implemented in the writ petition filed by the MWCDL.

12 Further, a careful perusal of the acquisition notices and the Sale Deeds of M/s.Hotel Pallava Park, would go to show that the vendors of M/s.Hotel Pallava Park are the persons whose land i.e. western portions is the subject matter of acquisition.

13 As rightly contended by the learned Senior Counsel for



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MWCDL it is well settled proposition of law that if there is discrepancy in the survey numbers, boundaries will prevail over the survey numbers. The Sale Deeds of Hotel Pallava Park dated 30.11.2006 only pertains to western portion, since boundaries are very clear. Therefore the writ petitioners in W.P.No.8324 of 2018 cannot take advantage of the subsequent error in the revenue records during the sub-division.

14 In view of the foregoing observations and reasons, the petitioners in W.P.No.8324 of 2018 are not entitled to get any relief and the same is dismissed. The W.P.No.19302 of 2020 is allowed with a direction to the sixth respondent to implement the order bearing RC.No.1409/2020/B1 dated 28.10.2020, issued by the first respondent. No costs. Consequently connected miscellaneous petition is closed.

14.02.2024

Index: Yes/No
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To

1. The Secretary to Government,
Industries (MIE-2) Department,

17/19



W.P.Nos.8324 of 2018 and 19302 of 2020

Fort St.George, Chennai – 600 009.

2. The District Collector,
Kancheepuram.
3. The Sub Collector,
Chengalpattu, Kancheepuram District.
4. The Revenue Divisional Officer,
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Town and Country Planning,
Chengalpattu, Kancheepuram District.



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P.VELMURUGAN, J.,

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Pre-Delivery Orders in
W.P.Nos.8324 of 2018 & 19302 of 2020 and
W.M.P.No.32683 of 2023

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