



WEB COPY



W.P.No.4287 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.4287 of 2019

M.L.Sampath Kumaran

... Petitioner

Vs.

1. The Divisional Engineer (Highways)(C and M),
Chennai City Roads Division,
Chennai-600 015.

2. The Asst.Divisional Engineer (Highways) (C and M),
Chennai City Roads Sub-Division,
Chennai - 600015.

(previous R1 & R2 deleted from the array of respondents and amended by
arraying R3 & R4 as earlier R1 & R2 vide order dated 12.07.2023 made
in WMP.19974/2023 in WP.4287/2019 by SVNJ, KRSJ)

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, directing the 3rd and 4th
respondents to remove the encroachments made in the property belonging
to the petitioner situated at Corp.D.N.100 Mount Road, Madras (Guindy)
bearing corporation No.31/D-4 comprised in Patta No.1, T.S.Block-4,
Survey-4 based on the representation of the petitioner dated 29.11.2018

For Petitioner : Mr.V.Viswanathan



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For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 & R2, deleted from array of
respondents 3 and 4 as per court
order dated 12.07.2023)

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the respondents 1 and 2 (after amendment vide order dated 12.07.2023 made in WMP.19974/2023 in WP.4287/2019 by SVNJ, KRSJ), to remove the encroachments made in the property belonging to the petitioner situated at Corp.D.N.100 Mount Road, Madras (Guindy) bearing corporation No.31/D-4 comprised in Patta No.1, T.S.Block-4, Survey-4 based on the representation of the petitioner dated 29.11.2018.

2. The grievances of the writ petitioner is that the patta land owned by him is encroached upon by the respondents for widening the road.

3. The learned Special Government Pleader, Mr.A.Selvendran would submit that a portion of the property measuring about 202 sq.ft. was taken for road expansion project and the authorities are ready and willing to settle the compensation for the said portion.



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4. The petitioner would submit that the portion of his land encroached by the respondents are measuring about 410 sq.ft. Therefore, the measurement has not been properly taken.

5. In view of the controversy regarding the measurement of the property taken by the respondents for road expansion, we direct the Tahsildar Guindy, to survey the portion of the land, taken possession for road expansion from the petitioner and accordingly, calculate the compensation as per the new Land Acquisition Act and deposit the same in the credit of O.S.No.5122 of 2015, on the file of 4th Assistant City Civil Court, Chennai. We have directed the respondents to deposit the compensation in the credit of the civil suit, in view of the fact that civil dispute exist between the parties regarding the title and ownership.

6. It is brought to the notice of this Court that yet another civil suit is pending in O.S.No.2258 of 2019 on the file of the 4th Additional City Civil Court, Chennai.

7. It is made clear that measurement regarding the land, taken possession for road expansion by the petitioner, is to be made by the



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Tahsildar in the presence of the petitioner. The date and time of measurement shall be intimated to the petitioner. The petitioner is directed to cooperate with the authorities to complete the measurement.

8. Since the procedures as not contemplated under the Land Acquisition proceedings were followed, and how the parties have agreed to receive compensation by negotiation, we have issued the above directions. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

(S.M.S.J.,)

(K.R.S.J.,)

19.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To

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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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