



WEB COPY



WP.No.13344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.13344 of 2024

P.S.Ramesh Babu

.. Petitioner

Versus

1. The District Collector, No.62, Singaravelar Maligai,
Rajaji Salai, Chennai – 600 001.

2. The Special District Revenue Officer [L.A.]/
The Special District Collector [L.A.],
O/o.The Tamil Nadu Highways Department,
No.76, Sardar Patel Road, Opp. Raj Bhavan,
Little Mount, Guindy, Chennai – 600 025.

3. The Tahsildhar, Solinganallur Taluk,
No.1, 1st Cross Street, Solinganallur,
Chennai – 600 119.

4. The Special Tahsildar,
Land Acquisition and Management,
The Tamil Nadu Highways Department,
Guindy, Alagu, Chennai – 600 025.

Respondents

..

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling for the records of the respondents, particularly the second respondent's impugned Order dated 21.03.2024, vide Na.Ka.228/2023/A1 and quash the same and consequently direct the respondents to pay fair compensation for the acquired land situated



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at No.3/402 A [Old No.3/136], East Coast Road, Palavakkam, Chengalpet District, Chennai – 600 041, comprised in S.No.77/18 [part], sub divided acquired property, comprised in S.No.77/18B, to an extent of 34 sq.mtrs. [258 sq.ft.] out of 1574 sq.ft., plus half share from 1174 sq.ft. [pathway], out of 4322 sq.ft.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.P.Sathish
Additional Government Pleader – R1 to R4

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned Order dated 21.03.2024, vide Na.Ka.228/2023/A1 and consequently direct the respondents to pay fair compensation for the acquired land situated at No.3/402 A [Old No.3/136], East Coast Road, Palavakkam, Chengalpet District, Chennai – 600 041.

3. Heard learned counsel for the petitioner and the learned Government Advocate and the Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials available on record.



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4. The case of the petitioner is that the subject property has been originally obtained by his great grandfather in an Execution Petition in E.P.No.100 of 1941 in O.S.No.86 of 1940 on the Subordinate Court, Chengalpet through a sale certificate registered in his favour. The petitioner became the owner of the land and building by virtue of the release deed dated 24.02.2016 executed in favour of the petitioner. While so, the second respondent acquired property of the petitioner to an extent of 24 sq.mtrs. for the purpose of extending 6 ways road from existing 4 ways ECR Road as per Government Order No.229, the Highways and Small Harbors [HW-1] Department, dated 14.11.2005. However, compensation has not been paid to the petitioner for the acquired land. The impugned Order came to be passed since the patta has not been mutated in the name of the petitioner. Challenging the same, the present Writ Petition has been filed.

5. The learned Additional Government Pleader appearing for the respondents would submit that as the petitioner is in possession of the property, if the petitioner apply for patta in his name and produce the same before the authorities, the compensation will be disbursed to the petitioner.



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6. In view of the submissions of the learned Additional Public Prosecutor, the petitioner is directed to make an application seeking patta in his name within ten days from the date of receipt of a copy of this Order. On such application being made, considering the nature of possession, the revenue authorities shall issue patta to the petitioner enabling him to get compensation for the land acquired. Such an exercise shall be made within a period of two months thereafter.

7. With the above direction, this writ petition is disposed of and the impugned Order passed by the second respondent dated 21.03.2024 is quashed. No costs.

01.07.2024

vrc

Index :Yes/No
Internet :Yes/No
Neutral Citation : Yes/No

To,

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N. SATHISH KUMAR, J.

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