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W.P.No.16808 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24..04..2024

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.16808 of 2023
and
W.M.P.No.11239 of 2024

M.R.Mani

.....Petitioner

-Versus-

- 1.The District Collector,
District Collector's Office,
Chengalpattu District – 603 001.
- 2.The District Revenue Officer,
Office of the DRO,
Chengalpattu District – 603 001.
- 3.The Special Tahsildar (LA),
Puducherry – Mamallapuram Corridor,
Unit – 3, Kancheepuram,
No.16, Varadharajan Street,
Vedhachalam Nagar,
Chengalpattu – 603 302.
- 4.The Tahsildar
Cheyyur Taluk,
Chengalpattu District – 603 302.

..... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to provide alternative accommodation pertaining to the land acquisition proceedings



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initiated by the respondents comprised in Survey No.241/7 to an extent of 32 cents, situated at No.121, Mugaiyur Village, East Coast Road, Cheyyur Taluk, the then Kancheepuram District presently Chengalpattu District, based on the petitioner's representation dated 10.04.2023, so as to comply with the earlier order in W.P.No.9697 of 2019 dated 30.06.2021 within a specified time period to be stipulated by this Court.

W.M.P.No.1239 of 2024

M.R.Mani

.....Petitioner

-Versus-

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- 2.The District Revenue Officer,
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Chengalpattu District – 603 001.
- 3.The Special Tahsildar (LA),
Puducherry – Mamallapuram Corridor,
Unit – 3, Kancheepuram,
No.16, Varadharajan Street,
Vedhachalam Nagar,
Chengalpattu – 603 302.
- 4.The Tahsildar
Cheyyur Taluk,
Chengalpattu District – 603 302.
- 5.The Project Director,
National Highways Authority of India,
Project Implementation Unit, Chengalpattu,
No.41/8A, 2/285, Second Floor,
Velachery Tambaram Main Road,
Santhoshapuram, Medavakkam,
Chengalpattu District – 600 100.

..... Respondents

This miscellaneous petition has been filed seeking to implead the



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5th respondent/proposed 5th respondent, who is necessary and proper party to the writ proceedings, as 5th respondent in the writ petition.

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For Petitioner : Mr.V.Ramanareddy
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to provide alternative accommodation pertaining to the land acquisition proceedings initiated by the respondents comprised in Survey No.241/7 to an extent of 32 cents, situated at No.121, Mugaiyur Village, East Coast Road, Cheyyur Taluk, the then Kancheepuram District presently Chengalpattu District, based on the petitioner's representation dated 10.04.2023, so as to comply with the earlier order in W.P.No.9697 of 2019 dated 30.06.2021 within a specified time period to be stipulated by this Court.

2. It is the case of the petitioner that he is a permanent resident of Mugaiyur Village in Cheyyur Taluk and in occupation of the land which has been classified as gramamatham and comprised in Survey No.241/7 to an extent of 32 cents, situated at No.121, Mugaiyur Village, East Coast Road, Cheyyur Taluk, the then Kancheepuram District presently



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Chengalpattu District, for more than six decades by putting up a pucca construction with the cost of more than Rs.15.00 lakhs. While so, the subject land was sought to be acquired by the 3rd respondent. The grievance of the petitioner is that though he gave several representations raising objection for the acquisition of the subject land, till date no orders were passed thereof. Hence, this writ petition.

3. Pending writ petition, the petitioner has filed a miscellaneous petition in W.M.P.No.11239 of 2024 seeking to implead the Project Director, National Highways Authority of India, Project Implementation Unit, Chengalpattu, No.41/8A, 2/28, Second Floor, Velachery Tambaram Main Road, Santhoshapuram, Medvakkam, Chengalpattu District 600 100.

4. Heard both sides.

5. The learned Special Government Pleader appearing for the respondents 1 to 4 would contend that the land occupied by the petitioner is a government land and the petitioner was an encroacher of the subject land and even otherwise, out of total award amount of Rs.13,95,709/- fixed towards the structure, the petitioner had already been paid a sum of 10,35,202/- as compensation / exgratia towards structural value for structures standing on the acquired land on the date of acquisition of



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subject land as per law. It is also stated that the remaining amount of compensation / exgratia had been paid to the petitioner's brother. These facts were not disputed by the learned counsel for the petitioner.

6. In view of the factual position that when compensation / exgratia towards structural value had already been arrived at and paid to the petitioner, question of providing alternative accommodation to the petitioner does not at all arise. Thus, this court finds no merit in the writ petition and the same is liable only to be dismissed.

7. In view of the order passed in the writ petition, question of impleading the Project Director of National Highways Authority of India, Project Implementation Unit, Chengalpattu @ Medavakkam, in the considered opinion of this Court is not necessary and therefore, the miscellaneous petition is dismissed.

In the result, the writ petition is dismissed. No costs.

Index : yes / no
Neutral Citation : yes / no
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Floor, Velachery Tambaram Main Road, Santhoshapuram,
Medavakkam, Chengalpattu District – 600 100.



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N.SATHISH KUMAR,J.

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