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WP.No.21860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.21860 of 2024

Suresh

... Petitioner

.. Vs ..

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Special Tahsildar, [Land Acquisition], Unit – II,
Chennai Peripheral Road, Scheme, Thachur, at Thiruvallur.
3. The Secretary to Government, Highways Department,
Fort St., George, Chennai.
4. The Divisional Engineer, Highways,
Chennai Metropolitan Development Scheme,
Division Vi, No.124, 2nd Floor, Thiyagaraya Road,
Teynampet, Chennai – 600 018.
5. The Assistant Divisional Engineer, Highways,
Chennai Metropolitan Development Scheme,
Division Vi, No.124, 2nd Floor, Thiyagaraya Road,
Teynampet, Chennai – 600 018.
6. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.



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Hindu Religious and Charitable Endowment Department,
No.308, 1st Floor, Arcot Road, Kakidhapattarai, Vellore – 12.

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8. The Executive Officer,

Sri Varadharaja Perumal and Ekambaranathan Temple,
Minjur – 601 203.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Declaration declaring the action of the second Respondent in depositing the compensation amount in respect of the petitioners building at Kattur Road in Minjur Village, Ponneri Taluk, Thriuvallur District with the eighth respondent Temple as illegal and for a consequential order directing the fifth respondent not to take possession of the petitioners building till the compensation amount for the petitioner's building is paid to him.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.S.J.Mohammed Sathik
Government Advocate – R1 to R5

Mr.S.Ravichandran
Additional Government Pleader – R6 to R8

ORDER

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

<https://www.mhc.tn.gov.in/judis> 2. This writ petition is filed to declare that the action of the second



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respondent in depositing the compensation amount in respect of the petitioner's building at Kattur Road in Minjur Village, Ponneri Taluk Thriuvallur District with the eighth respondent Temple as illegal and for a consequential order directing the fifth respondent not to take possession of the petitioners building till the compensation amount for the petitioners building is paid to him.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 5 and the learned Additional Government Pleader appearing for the respondents 6 to 8 and perused the materials available on record.

4. The case of the petitioner is that the land comprised in Survey Nos.203/1 and 203/3 at Kattur Road, Minjur Village absolutely belonged to the eighth respondent temple. A site measuring 10 cents comprised in Survey number 203/1- part was leased to one Krishnamurthy and he had put up residential brick built tiled house and in possession and enjoyment of the same as a lawful tenant under the above said temple. The petitioner's father had purchased the said property on 14.12.1998 along with lease hold right of the site and after purchase, he had removed the old house and put up a building in the ground floor and in the first floor and also put up two residential portions



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in the ground floor and first floor. After his death, the petitioner has been in management and administration of the above property. Whiles, the second respondent notified the proposal for acquisition of lands in Survey No.203/1 and 203/3 for the purpose of construction of a over head bridge across the railway line at Minjur connecting Munjur Kattur – Thirupalaivanam Villages etc. At the time of acquisition proceedings, it is stated that the compensation in respect of site in possession of the tenants alone will be paid to the eighth respondent temple and the compensation in respect of the buildings will be paid to the petitioner and other tenants. But the second respondent without following the procedure has deposited the entire compensation in respect of the site as well as the building with the eighth respondent. Hence, the present Writ Petition.

5. According to the learned counsel appearing for the respondents 6 to 8, as far as building of the petitioner is concerned a sum of Rs.5,01,215/- has been assessed. It is his contention that the petitioner has not paid the rent even from the year 1999 and after adjusting the rental arrears, only the remaining amount has to be paid to the petitioner.

6. It is to be noted that at the most, the eighth respondent can recover the rental arrears only for the last three years and not beyond three years. In



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such view of the matter, let the eighth respondent calculate the rental arrears for the last three years payable by the petitioner and after adjusting the same, pay the remaining amount to the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

vrc

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

To,

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Special Tahsildar, [Land Acquisition], Unit – II,
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6. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.

7. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
No.308, 1st Floor, Arcot Road, Kakidhapattarai, Vellore – 12.

8. The Executive Officer,
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N. SATHISH KUMAR, J.

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