



WEB COPY



W.P.No.24171 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24171 of 2024
and
WMP.No.26431 of 2024

1. M.R.Chendilnathan
 2. S.Balaprakash
- ...Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St. George, Chennai – 600 009.
2. The District Collector,
Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600 001.
3. The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 600 035.
4. The Assistant Divisional Engineer,
State Highways Department,
Chennai Metropolitan Development Plan Division Office,
CMDP Division-I, Alandur,
Chennai – 600 016.



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5. The Tahsildar,
Velachery Taluk,
Chennai.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus forbearing the 4th respondent from expropriating the front portion of the property at Door No.7/2, Thiruvalluvar Salai, Thiruvanmiyur, Chennai – 600 041 measuring 1944 sq.ft., and situate in the sanctioned layout of Thiruvanmiyur Neighbourhood scheme of the Tamil Nadu Housing Board and comprised in Plot No.111 part, S.No.68 part, Thiruvanmiyur village, Velachery Taluk, Chennai District except in accordance with Section 15 of Tamil Nadu Highways Act, 2001.

For Petitioners : Mr.S.Jaganathan

For Respondents : Mr.LSM.Hasan Fisal, AGP, for R1, 2, 4 & 5
: Mr.D.Veerasekaran, for R3

ORDER

This Writ petition has been filed seeking to forbear the 4th respondent from expropriating the front portion of the property at Door No.7/2, Thiruvalluvar Salai, Thiruvanmiyur, Chennai – 600 041 measuring 1944 sq.ft., situated in the sanctioned layout of Thiruvanmiyur Neighbourhood scheme of the Tamil Nadu Housing Board and comprised in Plot No.111 part,



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S.No.68 part, Thiruvanmiyur village, Velachery Taluk, Chennai District
except in accordance with Section 15 of Tamil Nadu Highways Act, 2001.

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2. Mr.LSM.Hasan Fisal, learned Additional Government Pleader takes notice on behalf of the respondents 1, 2, 4 & 5 and Mr.D.Veerasekaran, learned counsel takes notice on behalf of the 3rd respondent. In view of the consent expressed by the learned counsel on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that the 1st petitioner is the owner of the half undivided share in the property at Door No.7/2, Thiruvalluvar Salai, Thiruvanmiyur, Chennai measuring an extent of 1944 sq.ft., and the same was acquired by him, vide registered settlement deed dated 25.09.2006 bearing Doc.No.7296 of 2006 and the 2nd petitioner is the owner of the remaining half undivided share over the said property and the same was acquired by the 2nd respondent, vide registered settlement deed dated 18.10.2013 bearing Doc.No.10564 of 2013. The above said land was sold by the Tamil Nadu Housing Board to one V.Jagadeesan, from whom the 1st petitioner's mother and his sister purchased the said land, vide registered sale



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deed dated 25.09.2006 bearing Doc.No.7293 of 2006. While so, on 01.08.2024, some of the officials from the Highways Department inspected the above said property and expropriated the same and made markings, without issuing any notice and without the consent of the petitioners. Thereby, the petitioners made a representation dated 03.08.2024 to the 4th respondent seeking not to disturb the petitioners' possession over the subject property, without resorting to any acquisition proceedings and without paying necessary compensation to the petitioners. However, till date, no orders have been passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, the learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the 4th respondent to consider the petitioners' representation dated 03.08.2024 and pass orders on the same as expeditiously as possible.

5. Learned counsel appearing for the respective respondents submitted that appropriate orders will be passed on the petitioners' representation dated 03.08.2024 within the time stipulated by this Court.



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6. In view of the limited request made by the learned counsel for the petitioners, this Court without expressing any opinion on the merits of the case, directs the 4th respondent to consider the petitioners' representation dated 03.08.2024 on merits and in accordance with law and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioners and aggrieved persons, if any.

7. With the above directions, this Writ Petition stands disposed of. No costs.

22.08.2024
(2/2)

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No



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To:

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Rep. by its Secretary to Government,
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in

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M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

22.08.2024
(1/2)

skt