



W.P.No.35045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.35045 of 2023

and

W.M.P.No.35001 of 2023

S.Kalaiarasan

... Petitioner

Vs.

- 1 The District Collector,
Chengalpattu District.
- 2 The Revenue Divisional Officer,
Tambaram Revenue Division,
Chengalpattu District.
- 3 The Tahsildar,
Tambaram Taluk,
Chengalpattu District.
- 4 The District Revenue Officer,
(Land Acquisition)
Chennai Metro Rail Office, Metros ,
No.327, Anna Salai, Nandanam,
Chennai- 600 035.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice dated 18.01.2023 issued by the 4th respondent in his letter in ref Kadidham EnLC12/ R and R / Thu.Aa (Ni.Ye2/Va/tha5 / 22 and his consequential order in ref No. Rc.No.1315/2023/LND/CMRL/LC.13dated 15.11.2023 in so far as relating to denial of payment of compensation to the petitioners grama natham house site bearing Patta No. 1323 comprised in Survey No. 500/22 measuring an extent of 85 sq.mtrs in Medavakkam Village Tambaram Taluk, Chengalpattu District and quash the same as illegal arbitrary and violative of Article 14 and 21 31A and 300-A of Constitution of India and direct the 4th respondent to either acquire the petitioner's land and pay compensation in accordance with law and within a the time frame and failing compliance thereof, forbear the fourth respondent, his men, agents or anybody acting under him in any manner interfering with the petitioner's peaceful possession and enjoyment of the said property.

For Petitioner : Mr.R.Veeramani

For R1 to R3 : Mr.T.Arunkumar
Additional Government Pleader

For R4 : Mr.P.S.Raman, Advocate General
Assisted by
Mrs.Rita Chandrasekar,
Standing Counsel for CMRL and
Mr.Aditya Chandramouli

ORDER



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This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice dated 18.01.2023 issued by the 4th respondent in his letter in ref Kadidham EnLC12/ R and R / Thu.Aa (Ni.Ye2/Va/tha5 / 22 and his consequential order in Ref No. Rc.No.1315/2023/LND/CMRL/LC.13dated 15.11.2023 insofar as relating to denial of payment of compensation to the petitioner's grama natham house site bearing Patta No. 1323 comprised in Survey No. 500/22 measuring an extent of 85 sq.mtrs in Medavakkam Village Tambaram Taluk, Chengalpattu District and to quash the same as illegal arbitrary and violative of Articles 14 and 21 31A and 300-A of Constitution of India and also to direct the 4th respondent either to acquire the petitioner's land and pay compensation in accordance with law and within a time frame and failing compliance thereof, forbear the fourth respondent, his men, agents or anybody acting under him in any manner interfering with the petitioner's peaceful possession and enjoyment of the said property.

2. Heard the learned counsel appearing for the petitioner and the



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learned Additional Government Pleader appearing for the official respondents and also the learned Standing Counsel appearing for the fourth respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner's land in Survey No.500/22 has been classified as “ GramaNatham”. It is meant for house site and in recognition of his right, Patta has also been issued to him. The petitioner constructed a pucca building. Thereafter, the land was acquired by the Tamil Nadu Highways Department for the purpose of construction of grade-separator connecting Medavakkam to Sholinganallur Junction and he was paid compensation to his superstructure alone and not for the land. Hence the impugned notice passed by the fourth respondents is liable to be set aside.

4. Learned Advocate General submitted that the land was classified as “Natham” and it is meant only for house site. But the petitioner occupied 9690 sq.ft and had also put up RCC building and multi-storeyed building in an unauthorized manner and using it for



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commercial purpose. The land is meant only for dwelling house/hut/building., whereas the petitioner occupied the land that belongs to the landless poor and it is a Grama Natham land. The petitioner occupied the land as per CMDA Act, they are entitled for the compensation for the superstructure alone. Therefore, the respondents have granted compensation. However, the land does not belong to the petitioner. In order to prove the title, the respondents proposed to conduct enquiry and to issue summons. The petitioner, instead of appearing before the respondents for enquiry, rushed to this Court, by way of this writ petition, challenging the summons issued by the second respondent and the petitioner is not entitled to the relief as sought for in this writ petition.

5. Admittedly, the land in dispute is classified as “Natham land”. It is a well settled proposition of law that natham land is meant only for house site and not for any other purpose. The landless poor occupied small portion of the land and had also put up the shelter/hut/residence. Though the Government is not the owner of the land, based on the



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possession, the respondents can issue patta for the housesite and not for any other commercial purpose, whereas the petitioner is a trespasser who occupied 9690 sq ft and he also prevented the landless poor to get dwelling house. The person who occupies the land, had put up the commercial complex and used the same for commercial purpose. When the land was acquired for Chennai Metro Rail project, the respondents considered the superstructure and paid the compensation accordingly. The greedy petitioner is not stopped with that he wants compensation for the land also. If the land does not belong to the Government, the petitioner is not entitled to occupy more than 2 to 3 cents of land, if at all he has no other land for house. Since the writ petitioner has not occupied the “Natham land for the dwelling purpose, he is not entitled to either patta or compensation for the site. However the Government officials who were at the time of construction of the building, have not stopped to put up the construction. Further, to that extent, they granted all the amenities to the petitioner like electricity connection, planning permission etc.,

6. The Chief Secretary of the Government of Tamil Nadu is



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directed to conduct enquiry and find out the officers who are involved in this case and also to take departmental action against them. Further status report shall also be filed within a period of three months from the date of receipt of copy of this order. Since the petitioner is a “rank trespasser”, the Government is directed to take action against him for occupying the natham land which is meant only for the landless poor and the petitioner prevented the landless poor to set up a dwelling house. The petitioner has not come to the Court with clean hands.

7. With the abovesaid directions, the Writ Petition is dismissed of with costs of Rs1,00,000/- (Rupees One lakh only) to be paid by the petitioner to the first respondent. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2 The District Collector,
Chengalpattu District.
- 3 The Revenue Divisional Officer,
Tambaram Revenue Division,
Chengalpattu District.
- 4 The Tahsildar,
Tambaram Taluk,
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