



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4333 of 2025
and W.M.P.No.4849 of 2025

M.Prabakaran

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Chengalpattu District,
Chengalpattu – 603 111.
- 2.The District Revenue Officer,
Office of the District DRO,
Chengalpattu District,
Chengalpattu – 603 111.
- 3.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu – 603 111.
- 4.The Chief Engineer,
Highways Department,
Project Division,
Chennai 600 025.



5.The Divisional Engineer,
Highways Department,
Project Division,
Chengalpattu – 603 111.

6.The Revenue Inspector,
Kattankolathur Circle (FIRKA),
Chengalpattu – 603 203.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 27.09.2024 for compensation under the New Act in respect of petitioner patta land and building in survey No.43B2 of an extent of 00100 square meter situated at peramanur village No.53 comprised in Survey No.43B2/6 for construction of over head bridge for railway crossing between the Maraimalai Nagar and Kottankolathur Railway Station.

For Petitioner : Mr.S.Sarathkumar for
Mr.M.Balasubramanian

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 27.09.2024,



wherein, the petitioner is seeking for determination and payment of compensation under the new Acquisition Act with respect to the subject property.

2. Heard Mr.S.Sarath Kumar, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents.

3. On carefully going through the materials placed before this Court, it is seen that the petitioner has been categorized as a encroacher and a notice under Section 7 of the Land Encroachment Act has been issued on 16.05.2024. Unfortunately, the petitioner has not even put this notice to challenge if at all the petitioner claims that he is the absolute owner of the property and patta and other revenue document also stands in the name of the petitioner. In the guise of seeking for a compensation, the petitioner is now asking for an interim order to injunct the respondents from proceeding further from evicting the petitioner from the property. If such an interim injunction is granted, it will virtually amount to staying the notice issued under the Land Encroachment Act. In view of the same, the petitioner has to first safeguard the right and interest over the property by challenging the



notice issued under Section 7 of the Land Encroachment Act. Unless, the right and title is established, there is no question of parallelly directing the respondents to deal with the representation made by the petitioner seeking for compensation. Except giving this clarity and liberty, no further orders can be passed in this writ petition.

4.This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

14.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

Note:Issue Order Copy on 17.02.2025

To

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Chengalpattu – 603 111.



2. The District Revenue Officer,
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N. ANAND VENKATESH, J.

SSI

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