



W.P.No.5816 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5816 of 2019
and W.M.P.No.6661 of 2019

1. P.Paranthaman
2. Kaliasammal
3. P.Sridhar

...Petitioners

-Vs-

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Special Tahsildar,
Land Acquisition,
I.T. Expressway Scheme,
Tambaram Taluk Office Building,
Chennai – 600 047.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceriorarified Mandamus, calling for the records relating to the order passed by the first respondent in Na.Ka.No.8186/2008/F1 dated 09.10.2018 and quash the same and further directing the respondents to award compensation to the petitioners prior to acquiring the land of the petitioners.



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For Petitioners : Mr.S.Parthasarathy

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This writ petition has been filed as against the order passed by the first respondent dated 09.10.2018, thereby rejected the claim of the petitioners for compensation.

2. The petitioners owned property comprised in old survey No.276/7 part, new survey No.644/18 to an extent of 3458 sq.ft., situated at Pudur Village, Thiruporur Taluk with the building to an extent of 1000 sq.ft. Originally the subject property was owned by their mother. Thereafter, the said property was settled by way of three settlement deeds in favour of the petitioners. While being so, the second respondent initiated acquisition proceeding under the Tamil Nadu State Highway Act for extension of six way I.T. Expressway and issued notice to them dated 02.02.2009. Though they submitted serious objections, the award enquiry was conducted. The petitioners also appeared for award enquiry and sought for compensation at the rate of Rs.5,000/- per sq.ft. Though the respondents passed award to the adjacent land in Award No.3/2017,



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no compensation was fixed for the petitioners' land. Therefore, they submitted representation and filed writ petitions before this Court in W.P.Nos.7517, 7518 & 5884 of 2017. This Court by a common order dated 15.06.2017, directed the respondents to treat the subject land as private land and consider the land for compensation. Though it was challenged in W.A.Nos.290 to 292 of 2018, the Hon'ble Division Bench of this Court by the common judgment dated 26.03.2018, directed the respondents to consider the entire documents produced by the petitioners and to pass orders. As directed by the Hon'ble Division Bench of this Court, the second respondent passed order thereby rejected the claim of the petitioners for the reason that no documents were produced by the petitioners. According to the petitioners after settlement, they have put up pucca construction and also assessed their house property tax. They also produced property tax receipt, electricity bills and encumbrance certificate before this Court.

3. Per contra, the learned Additional Government Pleader appearing for the respondents filed counter and submitted that even according to the petitioners, the subject property was in possession and



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enjoyment by their ancestors. But the subject land was classified as village site and the same was encroached by the petitioners. As directed by this Court, the respondents conducted enquiry and rejected the claim of the petitioners. That apart, they are not entitled for any compensation for the vacant cite.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the records, it is revealed that that admittedly the petitioners had put up a pucca residentially building and subjected for property tax. They obtained electricity service connection and also paying the electricity charges. In fact, after demolition of house, they filed Writ Petitions in W.P.Nos.1384 & 1386 of 2024 challenging the very demolition of the house. Therefore, it is clear that they put up residential house and also assessed to the property tax. Hence the petitioners are entitled for compensation for their respective possession and enjoyment of the subject land. It is settled law that though the land is classified as Natham, the government cannot deny the patta of the



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petitioners who occupied and put up construction in the Natham land.

Further, once the possession of the petitioners is accepted and also evicted the petitioners from the subject land, the respondents are liable to pay compensation for the subject land.

6. In view of the above discussions, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order passed by the first respondent dated 09.10.2018 in Na.Ka.No.8186/2008/F1, is hereby set aside. The respondents are directed to pay compensation to the petitioners in respect of the subject property within a period of twelve weeks from the date of receipt of a copy of this Order.

7. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

01.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN. J.

rts

To

1.The District Collector,
Kanchipuram District,
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