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W.P.No.35022 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35022 of 2013

and

M.P.Nos.1 & 2 of 2013

P.Kalaiselvi

.. Petitioner

Vs.

1.State of Tamilnadu,
Rep. by The Secretary to Government,
Revenue Department,
Fort St. George, Chennai – 600 009.

2.The District Collector,
Kanchipuram District,
Kanchipuram.

3.The Member Secretary,
CMDA, Egmore,
Chennai – 600 008.

4.The Special Tahsildar (L.A.),
CMDA, Koyambedu,
Chennai – 600 092.

5.The District Revenue Officer,
Sriperumbudur Taluk,
Kanchipuram District.

6.The Managing Director,
TNRDC, Sindu Plaza,
2nd Floor, No.346, Pantheon Road,
Egmore, Chennai – 600 008.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent G.O.Ms.No.429 (Revenue) in the letter Na Ka No.25172/2006 A2 dated 28.07.2010 as well as the fourth respondent has issued a letter to petitioner to this effect vide Rc.1/2013/A1 ORR dated 30.09.2013, and quash the same so far as it relates to this petitioner's plot in survey No.1293, bounded on the: North by: Land in Survey No.1298, South by: 16 feet Road, East by: Plot No.23, West by: Plot No.25, admeasuring Northern side 23 feet, Southern side 22 feet, Eastern side 58 feet, Western side 54 feet in all totaling to an extent of 1260 square feet at Kundrathur Village.

For petitioner : Mr.M.Krishnamurthy

For RR 1, 2, 4 & 5 : Mr.M.R.GokulKrishnan
Additional Government Pleader

For R3 : Ms.P.Veena Suresh
Standing Counsel

For R6 : Mr.M.Sivavarthanan
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned Government Order issued in G.O.Ms.No.429 dated 28.07.2010 and also the letter issued by the 4th respondent to the petitioner dated 30.09.2013 and to quash the same in so far as the property belonging to the petitioner.



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2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for respondents 1, 2, 4 & 5, learned Standing Counsel for the 3rd respondent and the learned Standing Counsel for the 6th respondent.

3. The case of the petitioner is that the subject property is owned by him by virtue of a registered sale deed dated 26.04.2007 executed by one E.Thangammal. The further case of the petitioner is that the adjoining land owners had filed writ petitions challenging the land acquisition and the same was pending. The impugned Government Order in G.O.Ms.No.429 dated 28.07.2010 was issued by notifying various survey numbers whereby the permission to enter upon the land was granted. Pursuant to the same, a communication was issued to the petitioner on 30.09.2013. Aggrieved by the same, the present writ petition has been filed before this Court.

4. It is seen from the records that the acquisition proceedings were initiated for the purpose of outer ring road project. The land in question in Survey Nos.1292 & 1293 were subject matter under the Urban Land Ceiling Act. The notification issued under the Land Acquisition Act, 1894 included the property in Survey Nos.1292 & 1293. Thereafter, this



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declaration was issued in G.O.Ms.No.364, Housing and Urban Development Department, dated 27.08.2001. In so far as the petitioner is concerned, she came into scene only in the year 2007 and whereas, the subject property was already covered under the Urban Land Ceiling Act and it was also handed over to the Revenue Department as early as in the year 1999. The proceedings initiated under the Urban Land Ceiling Act has not been put to challenge and the petitioner being a purchaser after the proceedings were initiated, must be considered only as a trespasser into the property, since it was already acquired by the Government for the formation of outer ring road project.

5.In the light of the above materials available before this Court, there is no ground to grant the relief as sought for by the petitioner in this writ petition.

6.Accordingly, this Writ Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

03.03.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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