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W.P.No.32423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.32423 of 2025

1.M.A.Gani
2.Asif Ahmed

... Petitioners

Vs.

- 1.The Principal Secretary to Government
And Commissioner of Land Administration,
“Ezhilagam”,
Chepauk, Chennai – 600 005.
- 2.The District Collector,
Chengalpet District,
Chengalpet – 603 001.
- 3.The Special District Revenue Officer, (L/A),
Highways Department,
Chengalpet District,
Chengalpet – 603 001.
- 4.The Special Tahsildar, (L/A),
Unit-1, Highways Department,
Chengalpet District – 603 001.
- 5.The Managing Director,
Tamil Nadu Urban Habitat Development Board,
(Formerly Tamil Nadu Slum Clearance Board),
No.5, Kamarajar Salai, Chepauk,
Chennai – 600 005.



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6.The Executive Engineer/Estate Officer -8,
Tamil Nadu Urban Habitat Development Board,
(Formerly Tamil Nadu Slum Clearance Board),
Sivalingapuram, K.K.Nagar,
Chennai – 600 078.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records of the fourth respondent and quash the impugned order dated 05.08.2025 vide his proceedings in Na.Ka.No.78/2002/A for rejecting the petitioners' valid claim of compensation, as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially direct the respondents 2 to 4 to pay the petitioners with enhanced compensation for their House Plot acquired towards the Railway Over Bridge Project in respect of the petitioners' property bearing Plot No.150 measuring 97.65 square meters or 1051 sq.ft., or thereabouts situated in Chelliamman Nagar, Kilambakkam, Vandalur, Chennai – 600 045, comprised in R.S.No.165 Part of Kilambakkam Village, Vandalur Taluk, Chengalpet District.

For Petitioner : Mr.R.Gokul

For Respondents 1 to 4 : Mr.P.Sathish,
Additional Government Pleader

For Respondents 5 & 6 : Mr.G.Venkatesan,
Standing Counsel for TNUHDB

ORDER

This writ petition has been filed to call for the records of the fourth



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respondent and quash the impugned order dated 05.08.2025 vide his proceedings in Na.Ka.No.78/2002/A for rejecting the petitioners' valid claim of compensation, as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially direct the respondents 2 to 4 to pay the petitioners with enhanced compensation for their House Plot acquired towards the Railway Over Bridge Project in respect of the petitioners' property bearing Plot No.150 measuring 97.65 square meters or 1051 sq.ft., or thereabouts situated in Chelliamman Nagar, Kilambakkam, Vandalur, Chennai – 600 045, comprised in R.S.No.165 Part of Kilambakkam Village, Vandalur Taluk, Chengalpet District.

2. Learned counsel for the petitioners would submit that the property bearing Plot No.150 measuring an extent of 97.65 sq.mts, situated in Chelliamman Nagar, Kilambakkam, Vandalur, Chennai was originally allotted to Mrs.A.R.Farida, wife of the first petitioner. Since entire dues were paid to the Slum Clearance Board, in regard to the allotment of house plot, a lease cum sale agreement was executed on 05.01.2004 and subsequently, a construction was also put up by the petitioners on the said land. This being the case, the respondents 2 to 4 acquired the aforesaid land for the purpose of Construction of Railway



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over Bridge Project and completed the said project between 2014-2015.

However, the respondents have paid a compensation of sum of Rs.6,44,928/- for the superstructure and failed to provide compensation for the land. Under these circumstances, the said Mrs.A.R.Farida died on 23.08.2022, leaving behind the petitioners as her legal heirs.

3. Learned counsel for the petitioners would further submit that the petitioners have sent a representation before the respondents 2 to 4 for enhanced compensation towards Late Farida's house plot, however, the fourth respondent vide the impugned order dated 05.08.2025, rejected the petitioners' claim by stating that the first petitioner's wife's land is classified as "Ulvai", which comes under the Water Bodies and moreover, the sale deed was also not executed by the Slum Clearance Board in favour of the first petitioner's wife for the said property, hence the petitioners are not entitled for compensation. Challenging the said order, the petitioners have come forward with the present writ petition.

4. Learned standing counsel appearing for the respondents 5 & 6 has filed a counter affidavit stating that entire amount of sale consideration has been received by the Slum Clearance Board and they supposed to have executed a sale deed. However, before the execution,



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the respondents 1 to 4 acquired the first petitioner's wife land. Under these circumstances, the respondents 5 & 6 cannot execute a sale deed. Since, the land was allotted to the first petitioner's wife, who died on 23.08.2022, her legal heirs are entitled for compensation.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In the present case, no dispute with regard to the allotment of Plot No.150 in favour of first petitioner's wife Mrs.A.R.Farida. The present writ petition was filed by the Legal Heirs of said Mrs.A.R.Farida, for the purpose of compensation for the land. In this regard, the respondents 5 & 6 have filed their counter affidavit stating that the land comprised in Plot No.150 was originally allotted to the first petitioner's wife viz., Mrs.A.R.Farida on 05.12.1997 and she had already paid the entire amount of sale consideration to the Slum Clearance Board. Since the acquisition proceedings were initiated for the purpose of construction of Railway over Bridge Project, the respondents 5 & 6 are not able to execute a sale deed in respect of the subject land, in favour of Mrs.A.R.Farida. Since she passed away on 23.08.2022, the legal heirs are entitled to receive the compensation.



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7. The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 also defines that, the property's owner or any other interested person is entitled to receive compensation after the Government acquires the land for industrial purposes. Further, ***Section 18 of the Tamil Nadu Highways Act, 2001*** defines that “***Every owner of person interest in any land acquired under this Act shall be entitled to receive and be paid an amount as hereinafter provided***”. Such being the case, the petitioners are entitled to receive the compensation for the land comprised in Plot.No.150 as well as the superstructure. Since compensation for the superstructure has already been paid, now, the fourth respondent is directed to pay the compensation for the land in plot No.150 to the petitioners. The said exercise has to be completed within a period of eight weeks from the date of receipt of a copy of this order.

With the aforesaid observation and direction, this writ petition stands allowed. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order



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KRISHNAN RAMASAMY, J.

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