

(2013) 09 MAD CK 0189

In the Madras High Court

Case No : W.P. Nos. 22984, 24513 and 24514 of 2011

D. Shankar

APPELLANT

Vs

Special Commissioner and Commissioner for Land
Administration and Others
S. Govindammal and
Another Vs Government of Tamil Nadu and Others

RESPONDENT

Date of Decision : 13-09-2013

Acts Referred:

Citation : (2014) 1 MLJ 818

Hon'ble Judges : R.K. Agrawal, Acting C.J.;M. Sathyanarayanan, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

1. All these writ petitions are disposed of by this common order, since the issues for adjudication, are one and the same. Prayer:

In all these writ petitions, the respective petitioners prayed for quashment of the proceedings initiated under the provisions of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act 3/1905).

2. Background facts and submissions:

(a) In W.P. No. 22984/2011, the petitioner is D. Shankar adopted son of Tmt. Krishnaveni Ammal, and according to him, his family is in occupation of "Grama Natham" for over six decades and for revenue records show that he and his predecessor in title are the occupants of the property at Town Survey No. 11, 12 and 13 of Block 9, Saligramam Village, Egmore, Nungambakkam, Chennai and as per the revenue classification, it is a Grama Natham and not a "Poramboke Land" that falls within the ambit of the provisions of the Tamil Nadu Land Encroachment Act, 1905, (in short, Land Encroachment Act).

(b) The petitioner would further state that once the property is classified as Grama Natham, it cannot vest with the Government u/s 3(b) of the Madras

Estates (Abolition and Conversion into Ryotwari) Act, 1948, and consequently, the respondents 2 and 4 cannot invoke the provisions of the said Act to evict the petitioner; but, however, the Tahsildar, Egmore-Nungambakkam, has issued a notice dated 4.5.2011, u/s 7 of bearing Old Door No. 208/209, New No. 206, Arcot Road, Vadapalani, Chennai 600 026, situated in the above said Town Survey number, and it was put to challenge in W.P. No. 12795/2011. This Court directed the above said official to hold an enquiry and pass appropriate orders and accordingly, the said official passed an order ordering eviction. The petitioner aggrieved by the same, preferred an appeal before the Collector of Chennai District and the said official and also dismissed the appeal and thereby, confirmed the order by the Tahsildar, Egmore-Nungambakkam, ordering eviction in terms of the provisions of the Land Encroachment Act.

(c) It is the contention of the petitioner that his title to the property is traceable right from the year 1960 onwards and their Assistant Commissioner of Urban Land Tax, Central Taluk (South), Chennai 34, has recognised his ownership and passed an order dated 23.6.1972, levying the urban land tax and that apart, a portion of the land in Old Survey No. 178/1 Part, T.S. No. 11/Part (subdivided as T.S. No. 11/2) of Block No. 9, was acquired and Krishnaveni Ammal - the petitioner's predecessor in title, was also awarded compensation under the provisions of the Land Acquisition Act (Central Act), 1984.

(d) It is further stated by the petitioner that for the purpose of ongoing metro rail project and the pendency of this writ petition, interim stay was granted by this Court on 4.10.2011, and subsequently, when it was listed for hearing, this Court taking into consideration the importance of the metro rail project and the delay in its implementation, has vacated the interim order and directed the petitioner herein to vacate and hand over the possession of the land within a period of four weeks from 30.11.2011, subject to the condition that Chennai Metro Rail Limited shall deposit a sum of Rs. 25 lakhs in any one of the Nationalised Banks, to the credit of the petitioner and it shall remain in the form of deposit till further orders are passed by this Court and the entitlement of the further orders are passed by this Court and the entitlement of the petitioner to get compensation shall be subject to the result of this writ petition. Accordingly, the petitioner handed over the possession of the property in Resurvey No. 13B admeasuring to an extent of 0.01.78.0 hectares, at Saligramam Village, 100 Feet Road, to the Revenue Inspector of Egmore-Nungambakkam Taluk on 28.12.2011.

(e) The sum and substance of the case of the petitioner is that since the land in question, is classified as Grama Natham, it cannot vest with the Government in terms of Section 3(b) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and consequently, the provisions of the Tamil Nadu Land Encroachment Act, 1905, cannot be invoked against him. However, in view of the subsequent development of handing over possession of the property to the Chennai Metro Rail Limited, he is entitled to get the compensation amount deposited by them, and hence, he prays for appropriate orders.

(f) The second respondent has filed a counter affidavit stating among other things, that Block No. 9 in T.S. No. 12 and 13 has been classified as Government Poramboke with an entry under the Adangal column as Grama Natham and the total extent of the land sought to be acquired, was 0.02.68.5 hectares in T.S. No. 12 and 0.02.53.5 hectares in T.S. No. 13, for the implementation of the Chennai Metro Rail Project and the above said lands are required for coronation of Vadapalani Metro Railway Station.

(g) It is further stated by the second respondent in the counter affidavit, that though the petitioner is in occupation of the above said land, his encroachment has not been regularised by giving a house site patta and on a perusal of the Government record i.e., Permanent Land Record (PLR), the land has been classified as "Government Poramboke" and it is noted as "Grama Natham" in the Adangal. It is further contended by the second respondent that only patta land alone can be acquired under the provisions of the Land Acquisition Act and there is no provision in the Land Acquisition Act to acquire the Sarkar Poramboke or Grama Natham Lands and citing the said reasons only, the appeal preferred by the petitioner, was rejected by the District Collector confirming the orders passed by the Tahsildar, Egmore-Nungambakkam Taluk.

(h) It is also the stand of the second respondent that since it is a Government land, no patta can be issued to any occupier of the land and it is also the implied admission of the petitioner that his possession is no longer in existence and consequently, he cannot claim any right over the land and that apart, he is running a lodge on the said land and even assuming that it is a Grama Natham, it can be classified as a house site only and using the land for commercial purpose, is not permissible and moreover, the petitioner is having an effective alternative remedy by way of revision before the Special Commissioner and Commissioner for Land Administration, Chepauk, Chennai 5 and without invoking the said remedy, he cannot maintain the present writ petition and hence, they pray for dismissal of the same.

(i) W.P. No. 24513/2011: The petitioner claims that she is the owner of the property being land, admeasuring to an extent of 0.00.66 sq. mts., comprised in Survey No. 10/2 Part in Block No. 9, Egmore-Nungambakkam Taluk, Saligramam Village, and the ownership of the said land is traceable right from 1932 as evidenced by the sale deed of the year 1932, and the said property is also subjected to all statutory levies and the petitioner enjoys all the proprietary and possessive title to the said property to the knowledge of the Government and its enjoying so without any claim of objection.

(j) It is further stated by the petitioner that a part of the land in T.S. No. 9 and 10 (now subdivided as T.S. No. 10/1) was the subject matter of acquisition and as per the award No. 19/1983 dated 14.10.1983, the predecessor in title viz., S. Vedachala Gramani, was heard and since a civil suit was pending, the compensation amount was ordered to be deposited u/s 30 of the Land Acquisition Act with a direction to make a reference u/s 31(2) of the Land

Acquisition Act, 1894, and on that ground also, it is not open to the respondents to contend that the petitioner is not the owner of the land.

(k) The petitioner would further state that the Tahsildar, Egmore-Nungambakkam, has issued a notice u/s 6 of the Land Encroachment Act, on 20.5.2011, for which, the petitioner submitted her response on 23.5.2011, and challenging the vires of the said notice, W.P. No. 12874/2011 and other writ petitions were filed and this Court vide common order dated 21.6.2011, directed the said official to hold an enquiry and pass orders and after hearing their objections, an order was passed on 19.8.2011, ordering eviction of the petitioner and others. The petitioner preferred an appeal to the District Collector of Chennai District and the same was also dismissed on 26.9.2011, and challenging the legality and vires; of the same, a revision was preferred before the Special Commissioner and Commissioner for Land Administration, Chepauk, Chennai and pendency of the writ petition, steps have been taken to get possession of the land for the purpose of ongoing Metro Rail Project and apprehending dispossession, the petitioner has filed the present writ petition.

(l) Like the petitioner in W.P. No. 22984/2011, a similar stand has been taken by the petitioner herein that since the land has been classified as Grama Natham, the provisions of Land Encroachment Act cannot be invoked at all and consequently, she prays for quashment of the proceedings initiated under the said Act.

(m) The counter affidavit of the second respondent filed in W.P. No. 22984/2011, is adopted by the fourth respondent herein as the counter affidavit in this writ petition also.

(n) The petitioner has filed a reply to the counter affidavit reiterating the point that as per the award dated 14.10.1983, in Award No. 19/1983, the lands are to be treated as private holdings and no patta has been issued for the reason that Natham settlement is not implemented and the petitioner would further contend that the property is also subjected to urban land tax assessment and the classification in the Permanent Land Register, as Government Poramboke, is not correct as it is only a Grama Natham land as recorded in the Town Survey Register and consequently, the provisions of the Tamil Nadu Land Encroachment Act, 1905, cannot be invoked.

(o) It is also stated by the petitioner that pendency of the legal proceedings, the Chennai Metro Rail Project Authorities had taken possession of her property and she has also submitted her claim for compensation. She would further claim that her predecessor in title and she, after their life time, continue to be in possession of the property and the title to the property is traceable right from the year 1932 onwards and is supported by the various sale deeds and hence, prays for allowing the writ petition.

(p) W.P. No. 24514/2011; The petitioner claims that he is the owner of the property admeasuring to an extent of 0.00.66 sq. mts. comprised in Survey No.

10/2 Part in Block No. 9, Egmore-Nungambakkam Taluk, Saligramam Village, and the possession is also traceable right from the year 1932 and the property is also subjected to various statutory levies. He would further claim that on 4.5.2011, the Tahsildar, Egmore-Nungambakkam, issued a notice u/s 7 of the Land Encroachment Act, which was followed by a notice u/s 6 of the Act on 20.5.2011, and in response to the same, the petitioner submitted his objections on the same day.

(q) It is further stated by the petitioner that he and others made a challenge to the above said notice by filing W.P. No. 12874/2011 batch etc., and this Court directed the said official to hold an enquiry and pass orders and accordingly, an order was passed on 19.8.2011, ordering eviction of the petitioner and others. The petitioner preferred a statutory appeal to the Collector of Chennai District and the same was also dismissed on 26.9.2011, and thereafter, he filed a revision before the Special Commissioner and Commissioner for Land Administration on 4.10.2011.

(r) The petitioner has taken the very same stand as taken by the other writ petitioner in W.P. No. 22984/2011, and further contended that the part of the land in T.S. No. 9 and 10 (now subdivided as T.S. No. 10/1) was the subject matter of acquisition and Award No. 19/1983 came to be passed on 14.10.1983, wherein his father was heard and compensation was awarded, and in view of the civil proceedings pending between the rival claimants, the compensation amount was ordered to be deposited u/s 30 of the Land Acquisition Act with a direction to make a reference u/s 31(2) of the said Act. Therefore, it is the contention of the petitioner that since compensation has been ordered to be paid to his father and he is the successor in interest of the said property and further, the land has been classified as Grama Natham as per Town Survey Register, the provisions of the Land Encroachment Act cannot be invoked.

(s) It is further stated by the petitioner that pendency of the proceedings, the land in question, was taken possession by the Chennai Metro Rail Project Authorities and he also submitted his claim for compensation and hence, prays for appropriate orders directing the distribution of compensation to him.

(t) The respondent No. 4 has adopted the counter filed by him in W.P. No. 22984/2011, in respect of this writ petition also.

(u) In response to the same, the petitioner herein filed a reply reiterating the points urged by him in the writ petition.

(v) Mr. V. Ragavachari, learned Counsel appearing for the petitioner in W.P. No. 22984/2011, would vehemently contend that the title relating to the property, is traceable right from the year 1960 and the properties in Grama Natham Survey No. 178/1 admeasuring to an extent of 3872 sq. ft., 2968 sq. ft., 1344 sq. ft. and a thatched shed and 1490 sq. ft., 1753 sq. ft. and 1127 sq. ft. and a thatched shed were owned by Krishnaveni Animal, who is the first wife of his father Devaraja Gramani, and the petitioner was both to the second wife of

Devaraja Gramani viz. Gnanasundari Ammal, and the petitioner was adopted by Krishnaveni Ammal by means of a registered document dated 30.9.1994, and she has also executed two settlement deeds dated 26.8.1996 and 23.10.1996 respectively, settling the above said properties in his favour and consequently, he has become the owner of all the properties.

(w) It is the primordial submission of the learned Counsel appearing for the petitioner, that the land, which has been taken possession from the petitioner during the pendency of this proceedings, is a Grama Natham and therefore, it ceases to vest with the Government and consequently, the provisions of the Land Encroachment Act cannot be invoked at all and hence, he prays for appropriate orders for disbursement of the compensation amount deposited by the Chennai Metro Rail Limited.

(x) It is the further submission of the learned Counsel appearing for the petitioner, that the District Collector, Chennai District, and Tahsildar, Egmore-Nungambakkam, Chennai, had failed to come out with any clear case with regard to the actual classification of the land and he also invited the attention of this Court to the order passed by the Collector, and would submit that it has been stated therein as Government Poramboke/Grama Natham.

(y) Inviting the attention of this Court to the judgment rendered in A.R. Meenakshi Vs. State of Tamil Nadu, The District Collector, The Tahsildar and The Commissioner, by a Single Bench of this Court, the learned Counsel appearing for the petitioner, made a submission that in that case, the very same District Collector, who was arrayed as second respondent, has passed the impugned order branding the land as a pattina natham; but, there is no classification known as pattina natham anywhere in the Madras Presidency or in the Provinces and the District Collector has used all expressions together very loosely.

(z) The learned Counsel appearing for the petitioner, by placing heavy reliance upon the said judgment, made a vehement submission that in the case on hand also, it has been stated by the said officials as Government Poramboke/Grama Natham lands and there are overwhelming documentary evidence to show that the lands are classified as Grama Natham and consequently, the invocation of the provisions of Land Encroachment Act is per se illegal and prays for disbursement of compensation amount.

(aa) Mr. S.V. Jayaraman, learned Senior Counsel appearing for the petitioner in W.P. Nos. 24513 and 24514/2011, has made submissions on the similar lines and contended that in view of the overwhelming documentary evidence, it cannot be said that the acquired lands are Government Poramboke lands and consequently, prays for appropriate direction for disbursement of compensation amount.

(bb) Per contra, Mr. T.N. Rajagopalan, learned Special Government Pleader, appearing for the Special Commissioner and Commissioner for Land Administration, Collector of Chennai District and Tahsildar, Egmore-Nungambakkam Taluk, Chennai contended that as per the Permanent Land

Register, the lands, which are the subject matter of acquisition, are classified as Government Poramboke and since the respective writ petitioners are encroachers, they were issued with notices under Sections 7 and 6 of the Land Encroachment Act and in terms of the orders passed by this Court in W.P. Nos. 12874/2011 batch etc., they have been heard and orders were passed for their eviction and challenge made by them by preferring appeals to the Collector of Chennai District, had also ended in dismissal.

(cc) It is the further submission of the learned Special Government Pleader that insofar as the petitioner in W.P. No. 22984/2011 is concerned, he is having an effective alternative remedy by way of revision before the Special Commissioner and Commissioner for Land Administration, Chennai against the order passed by the District Collector; but, he has failed to avail the same and insofar as the other writ petitioners are concerned, they preferred revisions before the said official and in view of the urgency of the Metro Rail Project, the lands were taken possession that the disbursement of the compensation amount is subject to the outcome of these writ petitions.

(dd) In sum and substance, the submission of the learned Special Government Pleader is that since the lands are classified as Government Poramboke as per the Permanent Land Record, the invocation of the provisions of the Land Encroachment Act is perfectly justifiable and sustainable and hence, he prays for dismissal of these writ petitions.

(ee) Mr. R. Thiagarajan, learned Senior Counsel appearing for the Chennai Metro Rail Limited (CMRL), submitted that the lands, which are subject matter of acquisition, were taken possession from the respective petitioners and compensation amount has also been deposited and disbursement of the same is subject to the result of the writ petitions.

3. Legal Position:

(i) In the decision reported in *S. Rengaraja Iyengar and Another Vs. Achikannu Ammal and Another*, while dealing with the provisions of Section 3(b) of Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and also the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and also the Madras Land Encroachment Act, 1905, (Tamil Nadu Act 3/1905), this Court has held that the house site owned by a person, which is generally called as gramamatham, is not covered under the provisions of the Madras Land Encroachment Act, 1905, and further held that once the lands are classified as gramamatham, the Government ceases to have any power over the said lands as it cannot be treated as a ryotwari, as per the meaning of Madras Estates (Abolition and Conversion in Ryotwari) Act, 1948.

(ii) The decision reported in *Rengaraja Iyengar and Another v. Achikannu Ammal and Another* (supra) was subsequently followed by this Court in the decision reported in *Thillaivanam A.K. and Another v. District Collector, Chengai Anna District and Others*, 1998 (3) LW 603 : LNIND 1997 MAD 1559 wherein this Court

has held that the party, who is in possession of the gramanatham continuously for more than a prescribed period, would claim title by adverse possession and once the land is classified as village natham, no portion of the land vests with the Government, even if a portion of the land is converted into an agricultural land.

(iii) The above said judgments were also followed in a subsequent decision reported in *The Executive Officer, Kadathur Town Panchayat Vs. V. Swaminathan, The State of Tamil Nadu, The District Collector and The Revenue Divisional Officer*, wherein a Division Bench of this Court has referred to the definition of "gramanatham" in Law Lexicon and held that once it is an admitted classification of the land being a gramanatham, it will never vest with the Government of the Town Panchayat.

4. Findings:

4(i) The Special Tahsildar and Land Acquisition Officer, Madras Metropolitan Development Authority (MMDA) sought to acquire the lands in various Town Survey numbers including T.S. No. 11/Part (subdivided as T.S. No. 11/2) of Block No. 9, for the purpose of formation of Inner Ring Road and passed an award in Award No. 6/1986 dated 30.7.1986. It is necessary to extract the relevant portion of the award as follows:

Item No. 8

T.S. No. 11 pt. (now sub-divided as T.S. No. 11/2 of Block-9)

This land formed part of old S. No. 178/lpt. In the T.S.L.R. this land measuring H.00.03.75.0 sq. mt. has been classified as Government Poramboke with an entry under Adangal column as Rokkia and under remarks column as Krishnaveni Ammal W/o Devaraja Gramani. Out of the registered extent an extent of H.00.00.02.9 sq. mt. only is acquired.

One Thiru Devaraja Gramani appeared for award enquiry on behalf of Tmt. Krishnaveni Ammal and filed claim statement stating that the land under acquisition belongs to his wife Tmt. Krishnaveni Ammal. He has produced sale deed registered as Doc. No. 3560/60, dt. 27.9.1960, the recital of which reveals that the land under acquisition was purchased by Tmt. Krishnaveni Ammal W/o Devaraja Gramani from Tvl. Natesa Gramani and Sundaramurthy Gramani who acquired the title after the demise of their father Thiru Munuswamy Gramani who purchased the land under acquisition from Thiru S. Ranganatha Pillai by virtue of sale deed registered as Doc. No. 1570/32, dt. 6.10.32. As the title to the land under acquisition is clear the amount of compensation as detailed below will be awarded in the name of Tmt. Krishnaveni Ammal and will be paid to her.

4(ii) According to the petitioner in W.P. No. 22984/2011, he traces his title from the year 1960, and the various extent of lands in Old Survey No. 178 and 178/1 - Block No. 9, T.S. No. 12 and 12/1 were purchased by Krishnaveni Ammal, the first wife of his father viz., Devaraja Gramani, from various persons and she executed two registered settlement deeds dated 26.8.1996 and 23.10.1996

respectively, settling the above said properties in his favour, and the land, which was acquired for Metro Rail Project, also formed part of the said settlement and he was running a lodge on the said land, which was taken possession from him by the Chennai Metro Rail Project Authorities pendency of this legal proceedings.

4(iii) It is the submission of the learned Counsel appearing for the petitioner in W.P. No. 22984/2011, that in respect of the part of the land, which was the subject matter of the above said award, the predecessor in title viz. Krishnaveni Ammal, has been awarded compensation and as a natural corollary, the petitioner is also entitled to receive the compensation amount now deposited by the Chennai Metro Rail Limited.

4(iv) It is the further submission of the learned Counsel appearing for the petitioner, that the official respondent themselves were not clear about the classification of the land for the reason that as per the Permanent Land Record, it has been shown as Government Poramboke and as per the Adangal, it has been shown as Grama Natham and in all the prior title deeds, the Old Survey No. 178/1 has been shown as Grama Natham and consequently, the petitioner is entitled to receive the compensation amount.

4(v) Insofar as the petitioners in W.P. Nos. 24513 and 24514/2011 respectively, the lands in T.S. No. 9 and 10, now subdivided as T.S. No. 10/1, were the subject matter of Award No. 19/1983 dated 14.10.1983, wherein their predecessors in title were issued with notices and they also participated in the enquiry and on account of pendency of the civil proceedings, they were not paid the compensation amount and instead, it was ordered to be deposited u/s 30 of the Land Acquisition Act, 1894, with a direction to make a reference u/s 31(2) of the Land Acquisition Act.

4(vi) The primordial submission made by the respective learned Counsel appearing for the parties, is that once the compensation amount in respect of the part of the land, which was the subject matter of the above said award, has been deposited by the Chennai Metro Rail Limited, there cannot be any impediment and disbursement of the same to them.

4(vii) As per the above said awards, in the Permanent Land Record, the lands, which were taken possession from the respective petitioners, are classified as Government Poramboke, whereas in the Town Survey Register in respect of Saligramam Village, it has been classified as Grama Natham. A perusal of the awards would also disclose in the Adangal Column, the classification of the lands is stated as "Grama Natham". The said fact has also been fortified in paragraph No. 2 of the counter affidavit filed by the second respondent District Collector of Chennai District.

4(viii) A similar issue arose for consideration in the judgment reported in A.R. Meenakshi v. State of Tamil Nadu (supra) wherein a Single Bench of this Court on an exhaustive consideration of the factual and legal positions, held as follows:

23. All the petitioners herein have traced title to the land from a cooperative society by name Villivakkam Government Servants" Cooperative Building Society. The petitioners have produced-

- (i) sale deeds, by which they purchased either the land or the land with the buildings;
- (ii) urban land, tax assessment orders for the land;
- (iii) property tax payment cards;
- (iv) water and sewerage tax cards;
- (v) family cards;
- (vi) building plan permits; and
- (vii) approved building plans.

All these documents show that the lands have been in possession and enjoyment of the petitioners and their predecessors for over 70 years and that the petitioners have put up constructions with approved building plans. The petitioners have also produced proof to show that steps were taken for the issue of patta in favour of the petitioners, but it was abandoned halfway through, after the proposal for the subway project was mooted. As rightly contended by Mr. M.S. Subramanian, learned counsel for the petitioners, no urban land tax could be levied, if the land in question belonged to the Government.

24. But unfortunately, overlooking all the above documents, the District Collector has passed the impugned order branding the land as a patina natham. There is no classification known as patina natham anywhere in the Madras Presidency or in the Provinces. I do not know wherefrom the District Collector invented such a new classification, which had never existed. A land could either be a village natham or a Government poramboke or a privately owned land. No land is classified as patina natham. Therefore, the impugned order is obviously erroneous and is liable to be set aside.

25. The impugned order also shows total lack of application of mind. In the last but two paragraphs of the impugned order, the District Collector has used he expressions "Government Poramboke" and "gramanatham" as synonyms, the District Collector has relied upon the entry in the adangal as though it is a pattina natham. Thus, the District Collector used all expressions together very loosely.

4(ix) As per the counter of the second respondent District Collector, the Government is not clear as to the classification of the land whether it is Government Poramboke or Grama Natham. But, the fact remains that the predecessors in title and thereafter, the respective petitioners continue to be in possession of the acquired lands in question and they put up superstructures and also paid statutory levies and hence, they appear to have acquired possessory

right.

4(x) A faint attempt has been made by the respective learned Counsel appearing for the petitioners, by submitting that the first occupier will be treated as the owner and since the petitioners are claiming title through the said person, they are to be declared as owners and in support of the said submission, they are to be declared as upon a decision reported in Muthammal (died) and T. Periyasami Vs. The State of Tamil Nadu, .

4(xi) A perusal of the above said decision would disclose that the learned Senior Counsel appearing for the appellants therein, made a submission that the first occupier will be treated as the owner and it has been merely accepted without reference to any earlier decisions of this Court. The said proposition advanced on behalf of the petitioners, is too wide and there cannot be any universal principle that the first occupier will be treated as the owner as the said issue/question depends upon the facts and circumstances of each case and evidence.

4(xii) The uncontroverted fact remains that the predecessors in title, were issued with notices in respect of the earlier acquisition of the part of the lands in the same Survey Numbers for the formation of Inner Ring Road and Krishnaveni Ammal, from whom the petitioner in W.P. No. 22984/2011, claims title and possession, was paid with compensation and in respect of predecessor and other writ petitioners, though compensation was awarded to them, in view of the pendency of the civil proceedings, it was ordered to be deposited u/s 30 of the Land Acquisition Act, 1894, with a direction to make a reference u/s 31(2) of the Act.

5. Conclusion:

In view of the above said uncontroverted factual position, this Court is of the view that the compensation amounts deposited by the Chennai Metro Rail Limited, are to be distributed to them subject to the fulfillment of the relevant law, rules and regulations. In all these writ petitions, proceedings initiated under the Land Encroachment Act, are challenged and in view of the subsequent development i.e., taking possession of the lands in question, and deposit of compensation amounts, the issue whether the lands in question, are Grama Natham or Government Poramboke, is left open.

Result:

In the result, all these writ petitions are disposed of and the Official Respondents viz. the Collector of Chennai District, the Land Acquisition Officer and the Special Tahsildar (Land Acquisition) Chennai Metro Rail Limited, Chennai 86, and the Tahsildar, Egmore, Nungambakkam, Chennai 31 are directed to disburse the compensation amount to the respective writ petitioners as expeditiously as possible and not later than eight weeks from the date of receipt of copy of this order, in accordance with law, rules and regulations. No costs.