

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No. 10708 of 2015

Jeyarathi

..Petitioner

-Vs-

1.The Government of Tamilnadu
Rep. by its Secretary
Tamilnadu Road Infrastructure Development
Fort St.George
Chennai-600 009.

2.The Chairman
Tamilnadu Road Infrastructure
Development Corporation
L.L.A. Buildings
Anna Salai
Chennai-600 002.

3.The District Collector
Collectorate
Kanchipuram District.

4.The Special Tahsildar (Land Acquisition)
Oragadam Industrial Park Road
Infrastructure Scheme
43/36, Nehru Street
Sriperumbudur-602 105.

..Respondents

5.R.Chandran

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in Award No.10/12, dated 30.03.2012, in Na.Ka.No.40/2010/A, dated 30.03.2012, which fixed compensation for a sum of Rs.12,77,601/- and to quash the same, further direct the fourth respondent to refix and enhance the quantum of the compensation to the petitioner and to release the amount to the petitioner.

For petitioner : Ms.M.Malar

For respondents : Mr.V.Subbiah

Special Government Pleader
for R.1 to R.4

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner claims that she is the owner of the property comprised in Survey No.743/2, now sub-divided as 743/2A, measuring an extent of 625 sq.metre, situated at 43/36, Nehru Street, Sriperumbudur and it was purchased by means of registered sale deed dated 04.07.2007. The petitioner would further state that the fourth respondent issued a notice under the Tamilnadu Highways Act 2001, seeking to acquire the property and in response to the notice, the petitioner has also appeared before the third respondent and given all the details regarding the said property and subsequently, an award came to be passed in Award No.10/12 in Na.Ka.No.40/2010/A, dated 30.03.2012, fixing the compensation at Rs.12,77,601/-. The grievance expressed by the petitioner is that inspite of fixation of compensation amount, it has not been paid to the petitioner. In this regard, the petitioner has submitted a representation dated 01.07.2014 to the fourth respondent, with a copy marked to the other respondents. The office of the District Collector vide proceedings in Na.Ka.No.45754/2007F2, dated 14.08.2014, has informed the petitioner that her representation has been forwarded to the fourth respondent and as and when, the reply received, she will be informed. But, till date, the petitioner has not been favoured with any response and hence, she came forward to file the Writ Petition.

3. The learned counsel appearing for the petitioner would submit that inspite of reminder sent by the office of the District Collector to the fourth respondent as early as on 14.08.2014, he has not chosen to respond and has exhibited his indifference and disrespect to the order of the superior authority and prays for appropriate orders.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader, who has accepted notice for respondents 1 to 4 would submit that necessary and appropriate direction may be issued to the fourth respondent to pass orders expeditiously.

5. This Court paid its best attention to the rival submissions and also perused the documents available on record in the form of typed-set of papers.

6. As rightly pointed out by the learned counsel appearing for the petitioner, inspite of the proceedings in Na.Ka.No.45754/2007F2, sent by the third respondent to the fourth respondent as early as on 14.08.2014, the fourth respondent did not take any action and the petitioner has been deprived of the compensation, which she is legally entitled to.

7. Though, the petitioner prayed for a larger relief in this Writ Petition, this Court is of the view that it is suffice to direct the fourth respondent to comply with the proceedings in Na.Ka.No. 45754/2007F2, sent by the third respondent to the fourth respondent and inform the decision taken to the petitioner as expeditiously as possible, preferably, not later than three weeks from the date of receipt of a copy of this order. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

paa

To

- 1.The Secretary, Government of Tamilnadu
Tamilnadu Road Infrastructure Development
Fort St.George
Chennai-600 009.
- 2.The Chairman
Tamilnadu Road Infrastructure
Development Corporation
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Oragadam Industrial Park Road
Infrastructure Scheme
43/36, Nehru Street
Sriperumbudur-602 105.

+ 1 cc to M/s. Malar Advocate SR.20628
+ 1 cc Government Pleader Sr.20690

BKY(CO)
EU 28.04.2015

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