

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.22301 of 2014 &
M.P.No.1 of 2014

C.Rosaiah

[PETITIONER]

Vs

- 1 The District Collector
Thiruvallur District
Collectorate, Thiruvallur.
 - 2 The Special Tahsildar (Land Acquisition)
cum Land Acquisition Officer
Unit-IV Outer Ring Road Scheme (ORR)
Chennai Metropolitan Development Authority
Koyambedu , Ch-600 092.
 - 3 Chennai Metropolitan Development Authority
Rep. by its Member Secretary
Thalamuthu Natarajan Building
Egmore, Chennai-600 008.
- [RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to re-fix the compensation by considering all relevant factors as raised by the petitioner in respect of his properties by initiating fresh proceedings under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-Settlement Act 2013 (Central act No.30/2013) and to pay the same to the petitioner within a reasonable time to be fixed by this Court, by considering the petitioner representations dated 13.1.2014 and 17.5.2014.

For Petitioner .. Mr.R.Krishnaswamy

For Respondents .. Mr.R.Vijayakumar - R1
Addl.Govt.Pleader

Mr.Raja Srinivas - R2 & R3

For Tamil Nadu Road Development Company
Limited. Mr.Sivavarthan

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.R.Krishnaswamy, learned Counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the first respondent and Mr.Raja Srinivas, learned counsel appearing for the respondents 2 & 3.

3.The petitioner has filed this Writ Petition, to direct the second respondent to re-fix the compensation for the lands acquired, by taking into consideration the provisions of Central Act No.30/2013, based on his representations dated 13.1.2014 and 17.5.2014.

4.The learned counsel appearing for respondents submits that sufficient time may be granted to the second respondent to consider the representation in accordance with law.

5.The Tamil Nadu Road Development Company Limited seeks to intervene in the matter by stating that they are a proper and necessary party to the Writ Petition, since any claim for enhanced compensation cannot be considered without notice to them.

6.However, for such purpose, there will not be any necessity to for them to be impleaded and it is sufficient if they are heard before any order is passed by the second respondent on the petitioner's representations.

7.In the light of the above, the second respondent is directed to consider the petitioner's representations dated 13.1.2014 and 17.5.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner and Tamil Nadu Road Development Company Limited, Chennai. It is open to the petitioner to produce all relevant records in support of his claim at the time of personal hearing.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The District Collector
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- 3 Chennai Metropolitan Development Authority
Rep. by its Member Secretary
Thalamuthu Natarajan Building
Egmore, Chennai-600 008.
4. The Tamil Nadu Road Development Company Limited,
Chennai.

+1cc to Mr.V. Ajoy, Advocate, S.R.No.65680
+1cc to Mr.K. Raja Shrinivas, Advocate, S.R.No.65639
+1cc to the Government Pleader, S.R.No.65703
+1cc to Mr.Sivavarthanan, Advocate SR.65596

CTK(CO)
EU(14/12/2015)

W.P.No. 22301 of 2014

सत्यमेव जयते

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