

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16033 of 2015

D.Chandran

... Petitioner

Versus

1. The District Collector
Tiruvallur District Tiruvallur.
2. The Special District Revenue Officer (LA)
National Highways No.205
Tiruvallur District.
3. Tamilnadu Tourism
Development Corporation Ltd. Rep. by its
Managing Director No.29 Ethiraj Salai
Egmore Chennai-8. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 1st respondent to refer the dispute of payment of compensation between the petitioner and 3rd respondent to the Principal District Judge Tiruvallur under Section 3(H)(4) of the National Highways Act 1956 with regard to S.No.167/1 measuring 1.03.0 hectares at Murungapattu Village Tiruttani Taluk Tiruvallur District.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mrs.P.Rajalakshmi (for R1 & R2)
Government Advocate.

Mr.R.A.S.Senthilvel (for R3)
Additional Government Pleader.

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By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be a franchise of the Hotel run by the Tamilnadu Tourism Development Corporation Limited, the 3rd respondent by virtue of an agreement dated 14.05.2005 and he has also invested huge amount for development and establishment of the

Highway Motel and fully air conditioned modern bar and restaurant in Murugampattu Village and Post, Tirupathi Road at Thiruttani. The petitioner would further state that the portion of the land comprised in S.F.No.167/1, which originally belonged to the Tamilnadu Tourism Development Corporation Limited, the 3rd respondent, was being acquired by the National Highways Authority of India to an extent of about 1.67 Acres for the expansion of National Highway No.205, leaving behind the meagre land of 87 cents for carrying on the business of running hotel and the bar.

3. It is the specific case of the petitioner that by virtue of the franchise agreement, he has a right to carry on business for a period of 15 years and it expires only during the year 2020 and bar licence was also renewed. The 3rd respondent is also not evincing any keen desire to compensate the petitioner and in this regard, the petitioner has submitted a detailed representation dated 19.03.2012 to the 1st respondent praying for apportionment of the payment of compensation between him and the 3rd respondent and it is also followed by a reminder dated 16.10.2012 and since, he has not been favoured with any response, came forward to file this writ petition.

4. Heard the submissions of Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner, Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice for respondents 1 and 2 and Mr.R.A.S.Sakthivel, learned Additional Government Pleader, who accepts notice for the 3rd respondent.

5. Though, the petitioner prayed for a larger relief, this Court, in the facts and circumstances of this case and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider the petitioner's representations dated 19.03.2012 and 16.10.2012, and further representation if any to be submitted by the petitioner in this regard, on merits and in accordance with law, after putting on notice, the 3rd respondent and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well to the 3rd respondent.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

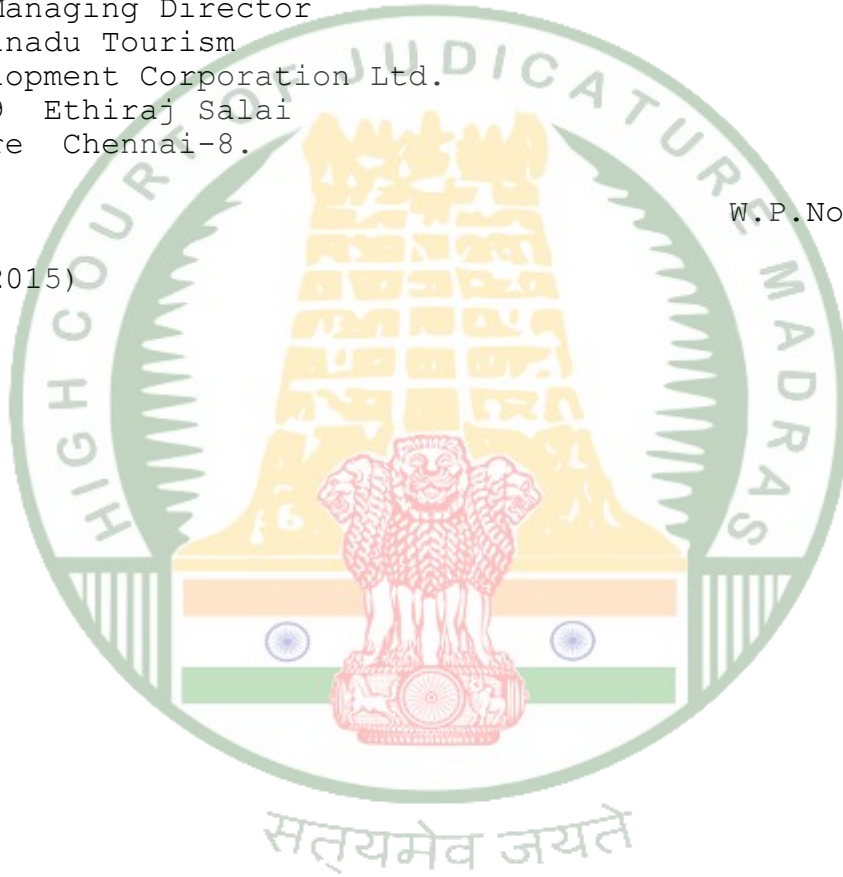
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To

1. The District Collector
Tiruvallur District Tiruvallur.
2. The Special District Revenue Officer (LA)
National Highways No.205
Tiruvallur District.
3. The Managing Director
Tamilnadu Tourism
Development Corporation Ltd.
No.29 Ethiraj Salai
Egmore Chennai-8.

SCD(CO)
CA(18/06/2015)

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