

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.07.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.23053 & 23054 of 2015

Dr.Shama Farhathullah

.. Petitioner in both the W.Ps.

vs.

1. The State of Tamil Nadu,
rep.by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai-600 009
 2. The District Collector,
Office of the District Collector,
Chennai District,
Singaravelar Building,
Chennai-600 001
 3. The Special Deputy Collector, (Land Acquisition),
Tamil Nadu Urban Development Project-III,
No.15, M.G.R.Main Road,
Poonamallee, Chennai-600 003
- ... Respondents in both the W.Ps.

Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to send the matter for reference under Section-20 of the Tamil Nadu Highways Act as per the representation of the petitioner dated 24.12.2013 with respect to the property situate at Survey No.1/5, Arumbakkam Village, Chennai, measuring 8.6 sq.meter as per award No.6 of 2013 dated 25.10.2013, Serial No.8, Na.Ka.No.610/2010/E1 and Survey No.1/8, Arumbakkam Village, Chennai measuring 22 sq.meter as per award No.6 of 2013 dated 25.10.2013 Srial No.11 Na.Ka.No.610/2010/E1 respectively for enhanced compensation.

For petitioner	: Mr.A.S.Mujibur Rahman
For Respondents	: Mr.R.Govindaswamy, A.G.P. for RR1 to 3 in both the W.Ps.

COMMON ORDER

By consent the writ petitions are taken up for final disposal.

2. The petitioner claims that the third respondent, in terms of the provisions of the Tamil Nadu Highways Act (hereinafter referred to as the 'Act' in short) and as per the Notification of the first respondent, dated 5.09.2007, has called him for enquiry in respect of the acquisition of lands in S.No.4/2, T.S.No.1/2 and Block No.20, which are the subject matter of the sale deed bearing Document No.2106/83, registered on the file of the Sub-Registrar, Kodambakkam, for the purpose of construction of over bridge near Aminjikarai and Nelson Manickkam Road. The petitioner has appeared before the third respondent and submitted his objections. Thereafter, the third respondent has issued a notice under Section 19(2) and (3) of the said Act for determination of the compensation. The petitioner has also submitted his objections and also provided materials for arriving at the values. The third respondent passed the award, dated 25.20.2013, fixing the land value at Rs.36,253/- per sq. meter (Rs.3368/- per sq.foot) under Section 19(3) of the said Act. The petitioner has received the amount and thereafter, submitted a representation dated 24.12.2013 for making a reference under Section 20 of the Act and since no progress took place, came forward to file these writ petitions.

3. Heard the submissions of Mr.A.S.Mujibur Rahman, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. This Court, taking into consideration the limited prayer sought for by the petitioner, without going into the merits of the case, permits the petitioner to submit a reminder to the third respondent, by enclosing a copy of this order as well as his earlier representation dated 24.12.2013, within a period of two weeks from the date of receipt of a copy of this order. The third respondent, on receipt of the same, is directed to consider the petitioner's representation and pass orders in accordance with law, within a period of six weeks thereafter and communicate the decision taken to the petitioner.

5. The writ petitions are disposed of accordingly. No costs.

msk

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Highways Department,
Fort St.George,
Chennai-600 009
 2. The District Collector,
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 3. The Special Deputy Collector, (Land Acquisition),
Tamil Nadu Urban Development Project-III,
No.15, M.G.R.Main Road,
Poonamallee,
Chennai-600 003
- + 1 cc to Mr.A.J.Mujibur Rahman, Advocate SR 39217
- + 1 cc to Govt.Pleader, High Court, Madras SR 39070

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