

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2015

CORAM

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

W.P.No.26438 of 2014

Jayapandian

[PETITIONER]

Vs

1 The District Collector
Kancheepuram Distirct
Tamil Nadu.

2 The Special Thasildar
(Land Acquisition)
Oragadam Industrial Park Road
Infrastructure Scheme
Sriperumbudur 602 105.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pay compensation to the petitioner with 9% interest for his acquired land viz. land bearing S.No.55/1 to an extent of 905 Sq.ft. situated at No.166 Periyamadhurapakkam Village Kancheepuram Taluk and District acquired for the purpose of widening the State Highway between Vandalur Walajahbad.

For Petitioner ..Mr.P.R.Thiruneelakandan

For Respondents ..Mr.R.Rajeswaran
Spl.Govt.Pleader

O R D E R

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

2. Heard Mr.P.R.Thiruneelakandan, learned Counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents.

3.The petitioner seeks for direction upon the respondent to pay compensation to the petitioner in respect of the lands which are acquired from the petitioner comprised in S.No.55/1 to an

extent of 905 Sq.ft. situated at No.166, Periyamadhurapakkam Village, Kancheepuram Taluk and District acquired for the purpose of widening the State Highway between Vandalur Walajahbad.

4.The only objection raised by the respondents for denying payment of compensation is by stating that in the Encumbrance certificate produced by the petitioner, the name of one Nazir Ahamed finds place. However, it has to be noted that the said Nazir Ahamed executed Settlement Deed in favour of the petitioner on 04.02.2011, registered as document No.623 of 2011, on the file of Sub Registrar, Walajahbad, wherein he has stated that due to a mistake, the agricultural land comprised in No.55/1 was wrongly included in the Release Deed dated 11.12.2012, registered as document No.159 of 2004 on the file of Sub Registrar, Walajahbad and therefore to rectify the mistake, he has executed the settlement deed in favour of the petitioner.

5.After the said document was executed, the petitioner has also produced the Encumbrance Certificate to the said effect for the period from 01.01.2008 to 06.12.2012. Thus, as on date, the said Nazir Ahmed is not the owner of the property in S.F.55/1. In such circumstances, there cannot be any impediment for the respondent to consider the petitioner's claim for grant of compensation.

6.Accordingly, the petitioner is directed to approach the second respondent along with the copy of this order as well as a fresh Encumbrance Certificate for the period from 7.12.2012 to till date along with attested copies of settlement Deed dated 4.2.2011, and also produce the original documents for verification of the second respondent and on such direction being complied with, the second respondent shall pass appropriate orders for grant of compensation in favour of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

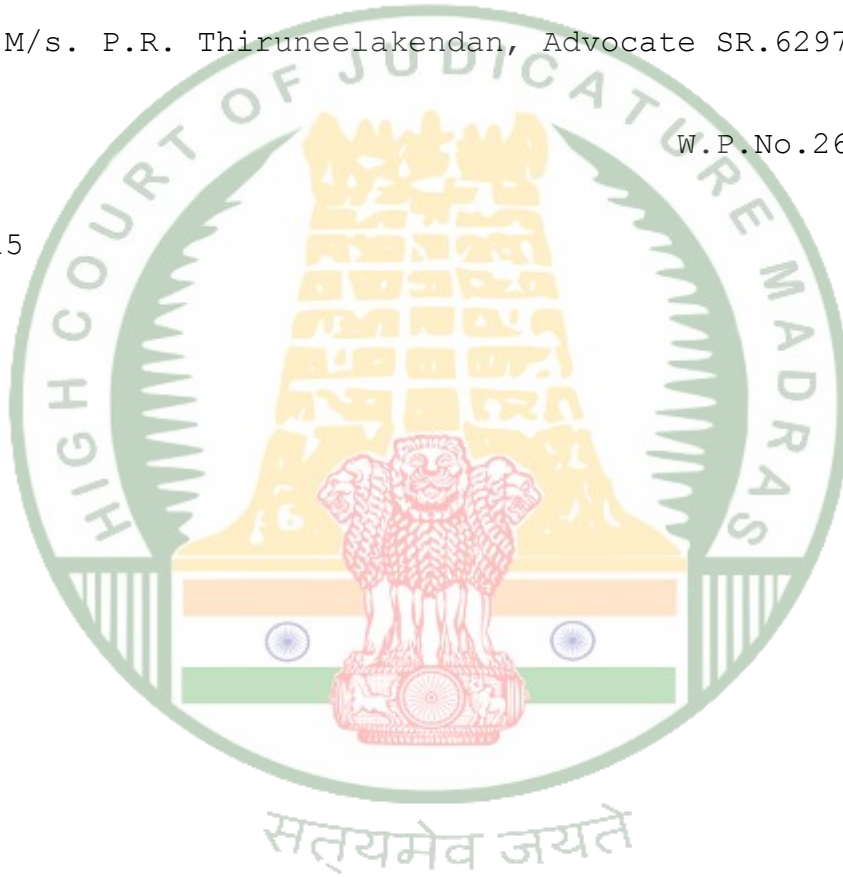
To

- 1 The District Collector
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+ 1 cc to M/s. P.R. Thiruneelakendan, Advocate SR.62975

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PPA(CO)
EU 30.11.15



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