

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. Nos. 26570 to 26574 of 2015

Sri. G. Selvapazham

..Petitioner in W.P.
No.26570 of 2015

Mr.Prabhu

..Petitioner in W.P.
No. 26571 of 2015

Sri.S. Mageshwaran

..Petitioner in W.P.
No. 26572 of 2015

S. Prasanan

..Petitioner in W.P.
No. 26573 of 2015

N. Srinivasan

..Petitioner in W.P.
No. 26574 of 2015

Vs.

1. Land Acquisition Officer -cum-
District Collector,
Kancheepuram,
Kancheepuram District.

2. The Divisional Engineer (Highways),
Projects Division-I,
No.110/A, GST Road,
Chromepet, Chennai.

..Respondents in all the writ
petitions.

Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents herein to refer Award No.6/2010 dated 31.08.2010 to the competent Civil Court pursuant to the respective petitioners written representation sent on 23.09.2010 to the respondents in respect of the respective petitioners acquired lands under Tamil Nadu Highways Act, 2001, (i) to an extent of 1478 sq.ft in Town Survey No. 553/9C2, (ii) to an extent of 1923 sq.ft in Town Survey No. 553/9F3, (3) to an extent of 1537 sq.ft in Town Survey No. 553/9C3, 5539F2, (4) to an extent of 3280 sq.ft in Town Survey No. 553/22, at Chengalpattu Town, Chengalpattu Taluk, Kancheepuram District & (5) to an extent of 177 sq.ft in Town Sruvey No. 112/1B and 72.0 sq.ms in 112/2A2 at Melamaiyur

Village, Chengalpattu Taluk, Kancheepuram District,
respectively.

For Petitioners :: Mr.A.C.Kumarakurubaran

For Respondents :: Mr.R. Lakshmi Narayanan
Special Govt. Pleader

O R D E R

These writ petitions are filed for issue of a Writ of Mandamus directing the respondents herein to refer Award No.6/2010 dated 31.08.2010 to the competent Civil Court pursuant to the respective petitioners written representation sent on 23.09.2010 to the respondents in respect of the respective petitioners acquired lands under Tamil Nadu Highways Act, 2001, measuring various extents at Chengalpattu Taluk, Kancheepuram District.

2. The lands of the respective petitioners were acquired under the Tamil Nadu Highways Act, 2001, for formation of Railway Overbridge (LC.54) at Chengalpattu. The market value was fixed at Rs.1351 per sq.ft by the Land Acquisition Officer and on that basis, an award was passed on 31.08.2010 in Award No. 6 of 2010. Aggrieved over the value fixed, the respective petitioners made representations to the 1st respondent to refer the award to the competent Civil Court under Section 20(1) of the Tamil Nadu Highways Act, 2001, as early as on 23.09.2010, within 60 days as mandated under Section 20(1) of the said Act. However, the representations of the petitioners seeking to refer the award to the Civil Court have not been disposed of, for the past 5 years, compelling the petitioners to approach this Court by way of these writ petitions.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

4. When the matters are called today, the acknowledgment issued by the Sub Court, Chengalpattu, dated 13.10.2015 has been produced, which reads as follows:

Acknowledgement

Received 5 references from the District Collector, Kanchipuram of 20(1) reference which relates to the following claimants:

1. Thiru. G. Selvapazham
2. Thiru. Prabu
3. Thiru. Prasannan
4. Thiru. Maheswaran
5. Thiru. Azhaguvel

In view of the aforesaid reference, no further orders are necessary in respect of the petitioners in W.P. Nos. 26570 to 26573 of 2015.

5. As far as the petitioner in W.P. No. 26574 of 2015 is concerned, it is stated by the learned Special Government Pleader that the application submitted by him seeking reference of the award to the competent Civil Court could not be traced out.

6. In view of the submission made by the learned Special Government Pleader, the learned counsel for the petitioner has served a copy of the application filed by the petitioner in W.P. No. 26574 of 2015 along with the acknowledgment on the learned Special Government Pleader across the bar. Hence, the 1st respondent is directed to refer the award, in respect of the petitioner in W.P. No. 26574 of 2015, to the Civil Court, within one week from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

7. For reporting compliance, post on 27.10.2015, on which date, the learned Special Government Pleader shall furnish the details about the number of applications, which are still pending before the 1st respondent for reference to the Civil Court so that appropriate orders could be passed.
nv

s/d-
Assistant Registrar(CO)
True Copy
Sub-Assistant Registrar

To

1. Land Acquisition Officer -cum-
District Collector,
Kancheepuram, Kancheepuram District.
2. The Divisional Engineer (Highways),
Projects Division-I,
No.110/A, GST Road, Chromepet, Chennai.

Copy to:
The Section Officer,
Writ Section, High Court, Madras
(For reporting compliance)

+ 1 cc to Mr.A.C.Kumaragurubaran, Advocate SR 57462

ku(co)
prk30/10

W.P. Nos. 26570 to 26574 of 2015