

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.30625 of 2015

and

M.P.No.1 of 2015

P.Krishnamurthy

..Petitioner

Vs.

The Special Tahsildar (L.A.),
(the Special District Revenue Officer),
National Highways -5,
Poonamallee,
Tiruvallur District.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the respondent in respect of the impugned notice Na.Ka.480/2013/A/De.N3-5, dated 14.9.2015 and quash the same as arbitrary, unjustifiable and illegal and consequently direct the respondent to inspect the land of the petitioner, provide award copy and also the particulars of determination of compensation to the petitioner and to decide their claim of repayment of excess compensation in accordance with law.

For Petitioner	:	Mr.R.Munuswamy
For Respondent	:	Mr.R.M.Muthukumar, Government Advocate

ORDER

The petitioner is the absolute owner of the property comprised in Survey No.76/4(Part), present Survey No.76/4B as per Patta No.317, measuring to an extent of 3925 sq.ft. sitaute at Azhinjivakkam Village, Jagannathapuram Revenue Village, Ponneri Taluk, Tiruvallur District, by virtue of a Sale Deed dated 27.11.2003. All the revenue records stand in the name of the petitioner. In July 2013, a notification has been issued by the respondent to acquire an extent of 66 square metres i.e. 780 sq.ft.,. However, the petitioner's Survey Number has been wrongly mentioned as Survey Number of G.Vivekanandan and one Kesavan in the said notification. The petitioner sent a representation dated 3.10.2013 clarifying it and

sought for compensation. Inspite of the petitioner's representation dated 3.10.2013, 18.7.2014, 21.7.2014, 10.12.2014 and May 2015, no reply was given by the respondent. Subsequently, on verification of original documents, a sum of Rs.14,32,236 has been awarded to the petitioner and a sum of Rs.1,43,224/- was deducted towards TDS and the balance amount was paid to the petitioner.

2. When things stand so, the petitioner received the present impugned notification stating that the petitioner was wrongly awarded giving Rs.9,91,937 towards the value of building in stead of actual value of Rs.99,618/-. To clarify the said error, the petitioner has been called upon to come for enquiry by the first respondent through the impugned notice.

3. Since the impugned notification is in the nature of show cause notice and no final order has been passed, it is appropriate to direct the petitioner to appear before the first respondent within a period of two weeks from the date of receipt of a copy of this order for clarification. The first respondent shall get clarification from the petitioner and if necessary, enquiry may be conducted and thereafter, the first respondent shall pass appropriate orders.

4. With the above direction, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

asvm

To

The Special Tahsildar (L.A.),
(the Special District Revenue Officer),
National Highways -5,
Poonamallee,
Tiruvallur District.

+1 cc to Mr.R.Munusamy, Advocate (sr.53455)

+1 cc to Government Pleader (sr.53068)

W.P.No.30625 of 2015

and

M.P.No.1 of 2015

NM(co)

cp 08/10/2015