

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015
CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.34938 of 2015
and
M.P.Nos.1 to 3 of 2015

J. Parthiban

...Petitioner

Vs.

- 1.The Government of Tamilnadu rep.
Secretary, Adi-Dravidar and Tribunal Welfare Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Chennai - 600 001.
- 3.The Land Acquisition Officer and Special Deputy Collector,
Land Acquisition Work, Madras City,
Chennai - 600 005.
- 4.Desikanandapuram Adi-Dravidar,
Cooperative House Site Society Ltd., for
Adi-Dravidar, Desikanandapuram Cooperative,
House Site Society,
Old No.140, New No.25, Dr.Ambedkar College Road,
Vysarpadi, Chennai - 600 039.
- 5.Tmt.V.Shobana I.A.S.,
Collector of Chennai,
Chennai 600 001.
(R-5 is suo motu impleaded
vide order dated 30.10.2015)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records of the first respondent pertaining to the notification issued under Section 6 declaration, Land Acquisition Act 1894 in G.O.Ms.No.1110 Adi Dravidar and Tribal Welfare Department dated 27.06.1990 and the 3rd respondent pertaining to the award No.3 of 1992 in R2-2270/83 dated 26.06.1992 in so far as it relates to the petitioner's land comprised in property in Survey R.S.No.506/2 - Block No.26, in separate Patta in R.S.No.506/23 to a total extent of 4557 sq.ft situated in Perambur - Purasawalkam Taluk, Perambur Village, Chennai District and quash the same.

For petitioner : Mr.A. Kalaiselvan

For RR1 to RR3 & RR5 :Mr.R. Lakshmi Narayanan
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the entire records of the first respondent pertaining to the notification issued under Section 6 declaration, Land Acquisition Act 1894 in G.O.Ms.No.1110 Adi Dravidar and Tribal Welfare Department dated 27.06.1990 and the 3rd respondent pertaining to the award No.3 of 1992 in R2-2270/83 dated 26.06.1992 in so far as it relates to the petitioner's land comprised in property in Survey R.S.No.506/2 - Block No.26, in separate Patta in R.S.No.506/23 to a total extent of 4557 sq.ft situated in Perambur - Purasawalkam Taluk, Perambur Village, Chennai District and quash the same.

3. Since the 2nd respondent recommended to the fourth respondent by communication dated 28.10.2010 with regard to the property, the said Officer is a necessary party and he is suo motu impleaded as fifth respondent and Mr.R.Lakshminarayanan, learned Government Advocate takes notice.

4. The petitioner's land comprised in R.S.No.506/2, Block No.26 covered by separate patta in R.S.502/23 to a total extent of 4557 sq.ft situated in Perambur to Purasaiwalkam Taluk, Perambur Village, Chennai District, was acquired by virtue of land acquisition proceedings for the benefit of third respondent on 24.07.1989. The award was passed on 20.06.1992. Even though the award was passed in 1992, no amount was paid and therefore, the petitioner has given a representation to the respondents to drop the proceedings on 11.09.2015 and on 12.10.2015 respectively. Since those representations have not been considered, the petitioner is before this Court, challenging the proceedings.

5. Heard Mr.A.Kalaiselvan, learned counsel appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Government Advocate, appearing for respondents 1 to 3. No notice is necessary to the fourth respondent at this stage as this Court is to pass orders directing the third respondent to conduct an enquiry, since the petitioner contends that the award amount has not been deposited before the Civil Court and the proceedings have to be dropped. However, taking into

consideration of petitioner's representations dated 11.09.2015 and 12.10.2015, the third respondent is directed to conduct an enquiry and pass orders on the petitioner's representation after giving notice to the petitioner as well as to the fourth respondent within a period of eight weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No costs . Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Gv
To

- 1.The Secretary to Government of Tamilnadu
Adi-Dravidar and Tribunal Welfare Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Chennai - 600 001.
3. The Land Acquisition Officer and Special Deputy Collector,
Land Acquisition Work, Madras City,
Chennai - 600 005.
4. Desikanandapuram Adi-Dravidar,
Cooperative House Site Society Ltd., for
Adi-Dravidar, Desikanandapuram Cooperative,
House Site Society,
Old No.140, New No.25, Dr.Ambedkar College Road,
Vysarpadi, Chennai - 600 039.
- 5.Tmt.V.Shobana I.A.S.,
Collector of Chennai,
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1 cc to the Government Pleader, Sr. 60136
1 cc to Mr.A. Kalaiselvan, Advocate, Sr. 59715

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