

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2015

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.31632 of 2013

and

M.P.Nos.1,2 and 4 of 2013

Mrs.Jeevarathinam

... Petitioner

vs

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort Saint George,
Chennai-600 009
2. The District Collector,
Chennai District,
Singaravelan Maligai,
First Land Beach,
Chennai-600 001
3. The Tahsildhar (Land Acquisition),
Fort Tondiarpet Taluk,
Chennai-600 003
4. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the respondent culminating the first respondent in G.O.Ms.No.179 dated 19.11.2013 purporting to be a Draft Declaration under Section 6 of the Land Acquisition Act, 1894 under urgency clause 17(2) for acquisition of 1750 sq.ft of lands in Block No.33 in R.S.No.1854/1, 1854/4 in Fort Tondiarpet Taluk, Tondiarpet village of Chennai

District for construction of ROB at Kathivakkam High Road and Cochrane Basin Road, Railway Level Crossing by the Corporation of Chennai and quash the same.

(Prayer amended as per of this Court in M.P.No.3 of 2013 dated 4.12.2013)

For petitioner : Mr.B. Harikrishnan

For respondents 1 to 3 : Mr.V. Subbiah
Spl.Government Pleader

4th respondent : Mr.R. Arunmozhi

ORDER

The writ petition has been filed by the petitioner for issuance of a Writ of Certiorari to call for the records in respect of G.O.Ms.No.179 dated 19.11.2013 purporting to be a Draft Declaration under Section 6 of the Land Acquisition Act, 1894 under urgency clause 17(2) for acquisition of 1750 sq.ft of lands in Block No.33 in R.S.No.1854/1, 1854/4 in Fort Tondiarpet Taluk, Tondiarpet village of Chennai District for construction of ROB at Kathivakkam High Road and Cochrane Basin Road, Railway Level Crossing by the Corporation of Chennai and quash the same.

2. Heard Mr.B. Harikrishnan, learned counsel for the petitioner, Mr.V. Subbiah, learned Special Government Pleader for respondents 1 to 3 and Mr.R. Arulmozhi, learned counsel for the 4th respondent.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondents submitted that the fourth respondent would be making payment of Rs.50,00,000/- (Rupees fifty lakhs only) to the petitioner shortly.

4. However, the learned counsel for the petitioner submitted that since the matter is pending since 2007, the fourth respondent may be directed to pay the amount within a stipulated time.

5. Having regard to the submissions made by the learned counsel on either side, since the 4th respondent had agreed to pay the compensation amount of Rs.50,00,000/- (Rupees fifty lakhs only) to the petitioner, I find no reason to keep the writ petition pending.

6. In such circumstances, the fourth respondent shall make the payment of Rs.50,00,000/- (Rupees fifty lakhs only) to the third respondent within a period of two weeks from the date of receipt of copy of this order and on such payment, the third respondent shall make the payment of Rs.50,00,000/- (Rupees fifty lakhs only) to the petitioner within a period of ten days thereafter.

7. With the above observation, the writ petition is disposed of. No costs. Consequently, connected Mps are closed.

Sd/-

Asst. Registrar

/true copy/

Sr

Sub Asst. Registrar.

To

1. The Secretary of Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.
2. The District Collector,
Chennai District,
Singaravelan Maligai,
Chennai - 1
3. The Tahsildhar (Land Acquisition)
Fort Tondiarpet Taluk,
Chennai - 3
4. The Commissioner,
Corporation of Chennai,
Chennai - 3

+1cc to Mr.R.Arulmozhi, Advocate, S.R.No.8592

+1cc to M/s Government Pleader, S.R.No.8429

W.P.No.31632 of 2013

CNR (CO)

CA(11/03/2015)

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