

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37028 of 2015

Thangammal

...Petitioner

Vs.

1. The Director of Municipal Administration
and Water Supply
Fort St. George
Chennai.
2. The District Collector
Singaravelan Maligai
First Lane Beach
Chennai.
3. The Tahsildar
(Land Acquisition)
Fort Tondiarpet Taluk
Chennai 600 003.
4. The Commissioner
Corporation of Chennai
Rippon Buildings
Park Town
Chennai 600 003.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondents culminating in the Award No.2 of 2009 dated 24/12/2009 passed by the third respondent in connection with the acquisition of petitioner's lands together with buildings thereon bearing new Door No.70 Old No.18 comprised in (i). R.S.No.1853/2, New R.S.No.1853/12, measuring 150 Sq.feet and in (ii). 1854/5 new R.S.No.1854/22 measuring 374 Sq.feet in all 524 Sq.feet out of the total extent measuring 3959 Sq.feet, situated in kathivakkam High Road, Korukkupet Tondiarpet, Chennai 600 021, quash the same in so far it relates to fixation of the compensation and direct the respondents to consider petitioner's representation dated 2/9/2015 and award higher compensation to the petitioner for acquisition of petitioner's

land on par with the compensation awarded to the adjacent land belonging to Smt.Jeevarathina comprised in R.S.no.1854/1 & R.S.No.1854/4 in Ft.Tondiarpet Taluk, Tondiarpet Village, which was also acquired for the very same purpose for which higher compensation paid through private negotiations in terms of the first respondent's letter ref.No.letter (MS) No.15 dated 23/1/2015 addressed to the fourth respondent and third respondent's letter ref.No.A1.17481 of 2007 dated 13/2/2015 addressed to the second respondent.

For Petitioner ... Mr.B.Harikrishnan

For Respondents ... Mr.Lakshmi Narayanan
Additional Government Pleader
for R.R.1 to 3.

For Respondents No.4... Mr.P.V.Selvakumar

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.B.Harikrishnan learned counsel for the petitioner and Mr.Lakshmi Narayanan, learned Additional Government Pleader for the respondents.

3. The petitioner has filed this writ petition, praying for a direction, to quash the Award No.2 of 2009 dated 24/12/2009 and to redetermine the compensation payable to the petitioner, based on the amount of compensation awarded to the adjacent land owner Smt.Jeevarathina, who was the erstwhile owner of the lands comprised in R.S.Nos.1854/1 and 1854/4 in Ft.Tondiarpet Taluk, Tondiarpet Village.

4. Though the petitioner has challenged the aforestated award in this writ petition, the learned counsel appearing for the petitioner, on instruction submitted that the petitioner would restrict the prayer sought for in the writ petition and prayed for a direction to the District Collector to redetermine his compensation payable, in the light of the compensation awarded to Smt.Jeevarathina his neighbouring land owner.

5. The learned Additional Government Pleader appearing for the respondents submitted that sufficient time may be granted to the second respondent, to consider the petitioner's request, for redetermination of the compensation.

6. In the light of the above, without going into the merits of the matter, there will be a direction to the first respondent to consider the petitioner's representation dated

2/9/2015, after affording an opportunity of personal hearing to the petitioner and pass a reasoned order on merits and in accordance with law, within a period of three months, from the date of receipt of a copy of this order. It is needless to state that the petitioner is entitled to produce documentary evidence.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

mvs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Director of Municipal Administration and Water Supply, Fort St. George, Chennai.
 2. The District Collector, Singaravelan Maligai, First Lane Beach, Chennai.
 3. The Tahsildar (Land Acquisition), Fort Tondiarpet Taluk, Chennai 600 003.
 4. The Commissioner, Corporation of Chennai, Rippon Buildings, Park Town, Chennai 600 003.
- + 1 cc to Mr.P.V.Selvakumar, Advocate Sr 63970.
- + 1 cc to Mr.B.Harikrishnan, Advocate Sr 63844.
- + 1 cc to The Govt.Pleader, Sr 64227.

MG/CO
KR/23/12

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