

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37645 of 2015

M.Suresh Babu

...

Petitioner

Vs

1. The District Collector
Thiruvallur District Collector Office
Thiruvallur Post.
2. The Special District Revenue Officer (L.A.)
National Highways - 5
for Kancheepuram & Thiruvallur District
Office at 2nd Floor
Poonamallee Taluk Office
Poonamallee
Chennai 600 56.
3. The Tahsildar
Gummidipoondi Taluk Office
Gummidipoondi Post.
4. The Project Director
Project Implement Unit NH 5
SPIC Annexure Building
8th Floor
SPIC House
88 Mount Road
Guindy
Chennai 600 032.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to pay the compensation for the remaining land measuring 850 square feet situated at G.N.T.Road, Panabakkam Vilalge, Kilmudalambedu Village No.1 bearing Nanjai Survey No.93/6A at Rs.1,000/- per square feet with solatium, additional compensation and interest from the date of acquisition.

For petitioner

... Mr.A.Chenchunrama Reddy

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

Ms.G.Hema
for M/s.P.Wilson Associates
for R.4.

- - - - -

O R D E R

With the consent of the learned counsel appearing for the parties, the main writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.A.Chenchunrama Reddy, learned counsel for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader for the respondents 1 to 3 and Ms.G.Hema for M/s.P.Wilson Associates for the fourth respondent.

3. This writ petition has been filed praying to direct the respondents, to pay the compensation for the remaining land measuring 850 square feet situated at G.N.T.Road, Panabakkam Vilalge, Kilmudalambedu Village No.1 bearing Nanjai Survey No.93/6A at Rs.1,000/- per square feet with solatium, additional compensation and interest from the date of acquisition.

4. The petitioner is before this Court for the second time for the same relief. Earlier, the petitioner had approached this Court by way of a writ petition being W.P.No.24818 of 2009, wherein the similar relief was sought for and the said writ petition was disposed of, on 22/12/2009, by issuing the following directions.

"2. Considering the above said facts and circumstances of the case and taking note of the fact that based on the representation of the petitioner dated 8/12/2008 in the form of legal notice, in fact the second and third respondents have proceeded to take action, the writ petition is disposed of with a direction against the second and third respondents to pass appropriate orders by taking note of various documents stated to have been filed by the petitioner and such order shall be passed expeditiously, in any event, within a period of twelve weeks from the date of receipt of a copy of this order. No costs."

5. Though such a direction was issued and the petitioner submitted several representations and sent a legal notice, till date no order has been passed by the second respondent. Therefore, the petitioner has submitted a representation to the District Revenue Officer, who vide his proceedings dated 27/7/2015 has forwarded the copy of the representation to the second respondent, to take necessary action. Though several months have lapsed, the second respondent has not taken any action.

6. Prima facie, it is seen that the second respondent has flouted the order passed by this court in the earlier writ petition and is liable to be punished for contempt. However, considering the claim of the petitioner, as already the District Revenue Officer, has directed the second respondent to consider the petitioner's representation, there will be a direction to the second respondent to consider the legal notice of the petitioner to the respondents dated 6/7/2015 sent through his counsel and pass appropriate orders, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order. The second respondent may note that if the second respondent does not comply with this direction, the matter will be viewed seriously and this Court will not hesitate to take action by way of contempt proceedings.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
Thiruvallur District Collector Office
Thiruvallur Post.
2. The Special District Revenue Officer (L.A.)
National Highways - 5
for Kancheepuram & Thiruvallur District
Office at 2nd Floor
Poonamallee Taluk Office

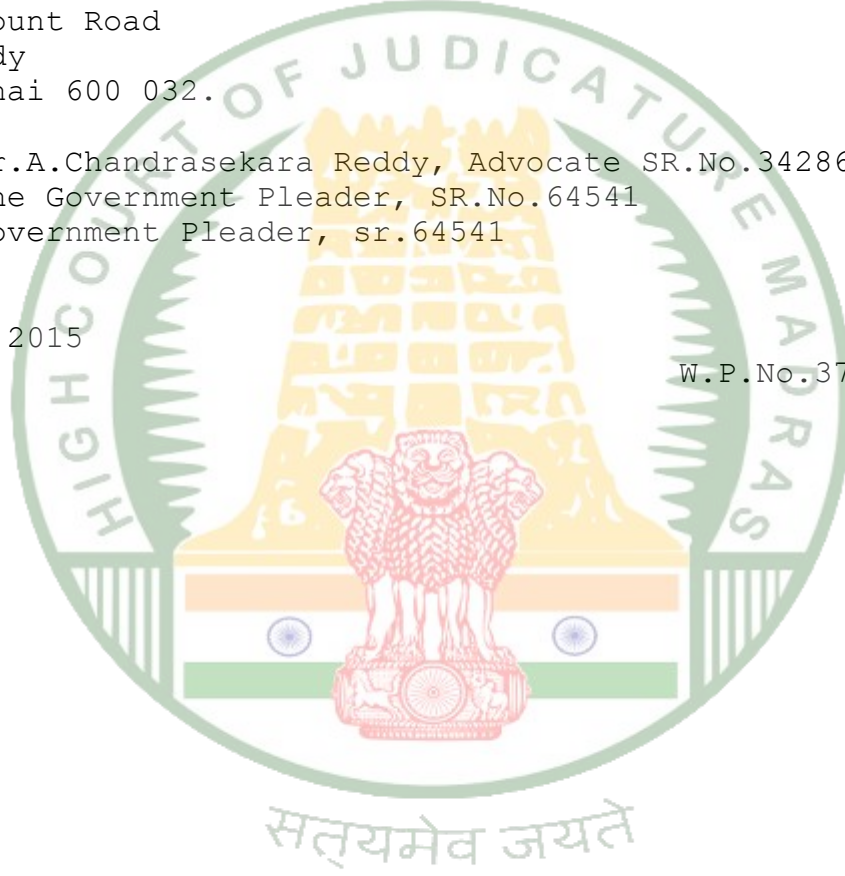
Poonamalle
Chennai 600 56.

3. The Tahsildar
Gummidipoondi Taluk Office
Gummidipoondi Post.
4. The Project Director
Project Implement Unit NH 5
SPIC Annexure Building
8th Floor
SPIC House
88 Mount Road
Guindy
Chennai 600 032.

2 CC to Mr.A.Chandrasekara Reddy, Advocate SR.No.34286
1 CC to the Government Pleader, SR.No.64541
1 cc to Government Pleader, sr.64541

vgi (CO)
kra 16.12.2015

W.P.No.37645 of 2015



WEB COPY