

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.39257 of 2015

A.Subbarayalu
[PETITIONER]

Vs

- 1 The District Collector
Tiruvallur District, Tiruvallur.
- 2 The Special Deputy Collector (Land Acquisition)
Tamil Nadu Urban Development Project-III
Poonamallee, Chennai-600 056.
- 3 The Revenue Divisional Officer
Ambattur Tiruvallur District.
- 4 The Tashildar
Ambattur Tiruvallur District.
- 5 The Assistant Divisional Engineer
Highways Department
Chennai Metropolitan Development Project
Sub Division No.VI
Saidapet, Chennai-15.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, to direct the third respondent to pass orders for grant of patta in respect of differential portion of the land acquired by the second respondent measuring to an extent of 55 sq.mts comprised in Old Survey No.301 Part, T.S. No.72, Block No.40, Korattur Village, Ambattur Taluk, Tiruvallur District to enable the petitioner to get compensation within a reasonable time as may be stipulated by this Court.

For Petitioner .. Mr.N.Anand Venkatesh
For Respondents.. Mr.R.Lakshmi Narayanan
Addl.Govt. Pleader

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.N.Anand Venkatesh, learned Counsel appearing for the petitioner & Mr.R.Lakshmi Narayanan, learned Additional Government Pleader who accepted notice on behalf of the respondents.

3. In this Writ Petition, the petitioner seeks for issuance of a writ of mandamus to direct the this respondent to pass orders for grant of patta in respect of differential portion of the land acquired by the second respondent measuring to an extent of 55 sq.mts comprised in Old Survey No.301 Part, T.S. No.72, Block No.40, Korattur Village, Ambattur Taluk, Tiruvallur District, so as to enable him to obtain compensation for the lands which were acquired under the provisions of the Tamil Nadu Highways Act, 2001.

4. The case of the petitioner is that he is the absolute owner of the land comprised in Survey No.301/1, measuring an extent of 143 sq.mtr and the lands were acquired by the fifth respondent for Highways project. However, the petitioner was given compensation only to the extent of 88 sq.mtrs, since patta was granted in favour of the petitioner only for the said extent. With regard to the remaining extent of 55 sq.mtr, the petitioner requested the respondents 2 & 5 for grant of compensation. The fifth respondent by communication dated 26.11.2015, informed the petitioner that the compensation in respect of 88 sqmtr has been granted to the petitioner based on the patta and if the petitioner produces a fresh patta in respect of 55 sq.mtr. of land, the same would be considered. Even prior to that the petitioner has submitted representation to the fourth respondent for rectification of the entries in the Revenue Records so that patta can be granted for the entire extent of 143 sq.mtr. Since the matter pertains to rectification of Revenue Records, the fourth respondent by communication dated 04.09.2013, addressed the third respondent with copy marked to the petitioner informing that the rectification of the Revenue entries has to be done only by the third respondent. In the affidavit filed in support of the writ petition, it has been stated that thereafter, based on the direction issued by the third respondent, the Surveyor has surveyed the petitioner's property on 14.11.2014 and he has also submitted a report to the third respondent. Now, the petitioner seeks for a direction to the third respondent to finalise the matter at the earliest. In this regard, the petitioner has submitted several representations and since there appears to have no appreciable steps taken, the petitioner has approached this Court.

5.It is seen that after the report which is said to have been issued by the Surveyor on 14.11.2014 to the third respondent, the petitioner has not submitted any representation to the third respondent. However, it is seen that the petitioner has given representation to the first and fourth respondents. Since, the third respondent is the competent authority, the petitioner should approach the third respondent for redressal of his grievance.

6.In the light of the above, the petitioner is directed to submit a fresh representation along with the copy of this order to the third respondent and on receipt of the same, the third respondent shall consider the representation in the light of the survey conducted and pass appropriate orders on merit and in accordance with law, after notice to all concerned, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

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Highways Department
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Sub Division No.VI
Saidapet, Chennai-15.

+3cc to Mr.S.Dhanasekaran, Advocate sr.67173
+1cc to The Government Pleader Sr.67609

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svi[co]
srg 29/12/2015



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