

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18/12/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.39999 of 2015

R. Pushpalatha

... Petitioner

Vs

1. The District Collector
Namakkal.
2. The Special District Revenue Officer
(Land Acquisition Office)
Tamil Nadu State Highways Development
Scheme - II
No.68, 136 K.Gangai Street
Highways Nagar
Salem 636 005.
3. The Divisional Engineer
Highways Department
Namakkal 637 001.
4. The Revenue Divisional officer
Thiruchengode
Namakkal District.
5. V.Konguvel

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the Special District Revenue Officer (Land Acquisition Office) Tamil Nadu State Highways Development Scheme - II, Salem, the second respondent herein to properly enquire and dispose petitioner's representations dated 2/11/2015 and 4/11/2015 in accordance with law.

For petitioner : Mr.V.Sekar

For respondents : Mr.R.Lakshmi Narayanan
Additional Government Pleader
for R.R.1 to 4.

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, at the admission stage itself.

2. Heard Mr.V.Sekar, learned counsel for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed praying to direct the second respondent to dispose of the representations of the petitioner dated 2/11/2015 and 4/11/2015.

4. The petitioner, claiming to be the original owner of the property, comprised in S.No.117/2A in Minnampalli Village, Tirucengode Taluk, Namakkal District, measuring an extent of 1.36 acres, would submit that a portion of the property, measuring about 0.0376 sq.metres has been acquired, under the provisions of the Tamil Nadu Highways Act and the petitioner now claims that he is entitled for compensation.

5. In this regard, representations were given by the petitioner to the first and second respondents on 2/11/2015 and 4/11/2015, respectively. However, it appears that the fifth respondent also claims that he is the owner of the property and he has also requested the authorities for payment of compensation. This came to the knowledge of the petitioner, pursuant to the information furnished under the Right of Information Act, by Memo dated 30/11/2015.

6. From the said communication, it is seen that the fifth respondent has filed an application before the first respondent, stating that he is entitled to compensation, in respect of the property in question as he is the owner.

7. In the light of the rival claims between the parties, it is but appropriate for the second respondent, to enquire both the petitioner and fifth respondent, before taking a decision in the matter, with regard to payment of compensation.

8. The learned counsel appearing for the petitioner would submit that there are proceedings pending before the fourth respondent with regard to the issuance of patta and enquiry is in progress in which notice has been issued to the petitioner and the fifth respondent. This fact may also be taken into consideration by the second respondent and if need be, the second respondent can also call for information from the fourth respondent.

9. Accordingly, this writ petition is disposed of by directing the second respondent to consider the petitioner's representation dated 4/11/2015, after issuing notice to the petitioner and the fifth respondent and pass appropriate orders

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 made clear that this Court has not gone into the merits of the petitioner's claim and it is left open for the authorities to take note and consider the matter and for such reason, notice to the fifth respondent has been waived. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
Namakkal.
2. The Special District Revenue Officer
(Land Acquisition Office)
Tamil Nadu State Highways Development
Scheme - II
No.68, 136 K.Gangai Street
Highways Nagar
Salem 636 005.
3. The Divisional Engineer
Highways Department
Namakkal 637 001.
4. The Revenue Divisional officer
Thiruchengode
Namakkal District.

+1cc to Mr.V.Sekar, Advocate, S.R.No.68900
+1cc to the Government Pleader, S.R.No.68817

PPA(CO)
CA(07/01/2016)

W.P.No.39999 of 2015