

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.6732 of 2015 &
M.P.No. 1 of 2015

Dr. C.P.Valsaraj

... Petitioner

vs.

1. Government of Tamil Nadu
Represented by the Principal Secretary
Energy Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The District Collector
Collectorate,
Kanchipuram,
Kanchipuram District.
3. The Special Tazhildar
LA Unit-V),
Ultra Mega Power Project (UMPP),
Cheyyur Taluk,
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus, calling for the records in Na.Ka.No. 3/2010/Unit.5 dated 20.02.2015 passed by 3rd Respondent and quash the same as illegal, arbitrary, unreasonable and non est in law and consequently direct the 1st respondent to make reference to the 2nd Respondent for determination of fair compensation under Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (TN Act 10 of 1999) within the time stipulated by this Honourable Court.

For Petitioner : Mr.S.Arunkungumaraj
For Respondents : Mr.V.Subbiah
Spl. Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified mandamus to call for the records dated 20.02.2015 passed by the third respondent, to quash the same and consequently direct the first respondent to make reference to the

second respondent for determination of fair compensation under Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (TN Act 10 of 1999) within a stipulated time.

2. It is the case of the petitioner that the third respondent had issued a notice dated 20.2.2015 informing the petitioner that the compensation in respect of the acquired lands will be fixed at Rs.15 per sq.ft., in case if they don't agree to fix the compensation at Rs.140 per sq.ft. After receiving the notice from the third respondent, the petitioner sent his explanation dated 28.02.2015 to the third respondent. However, the third respondent has not considered the explanation given by the petitioner so far.

3. It is needless to say that the third respondent is bound to consider the explanation given by the petitioner, while passing the final order in the proceedings.

4. In these circumstances, the learned counsel for the petitioner submitted that it would be suffice to direct the third respondent to consider the petitioner's representation dated 28.02.2015, within a stipulated time.

5. Mr.V.Subbiah, learned Special Government Pleader, takes notice for the respondents and submitted that the third respondent may be directed to consider the petitioner's representation dated 28.2.2015, within a stipulated time.

6. Having regard to the submissions made by the learned counsel on either side, I direct the third respondent to consider the petitioner's representation dated 28.02.2015 on merits and in accordance with law and dispose of the same, within a period of four weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

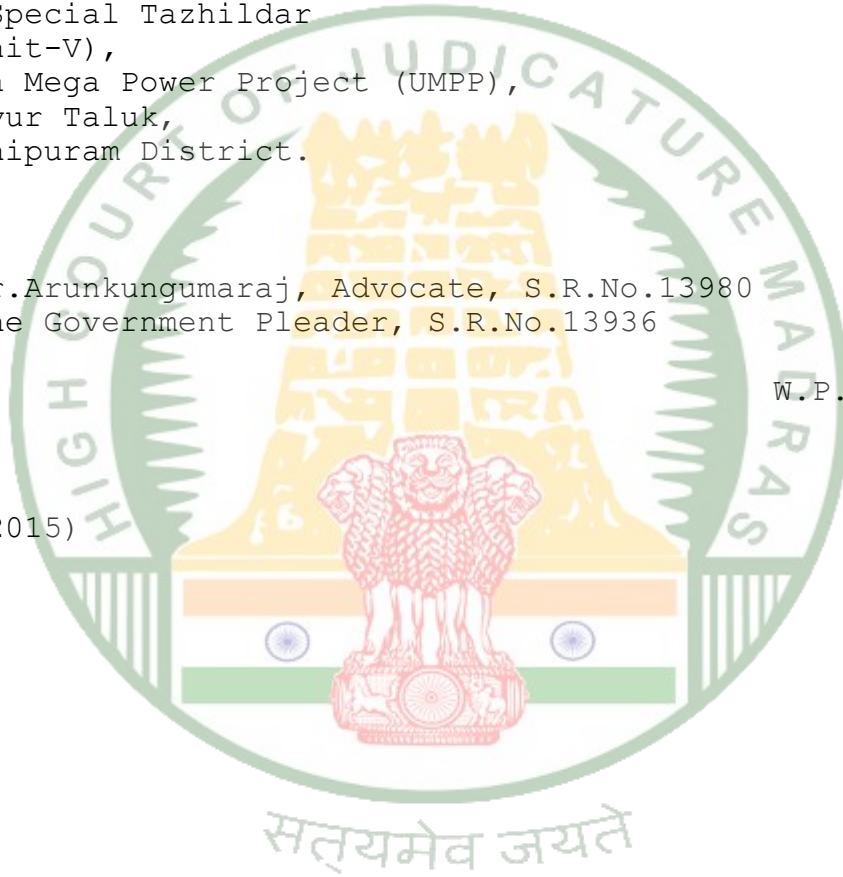
To

1. The Principal Secretary
Energy Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The District Collector
Collectorate,
Kanchipuram,
Kanchipuram District.
3. The Special Tazhildar
LA Unit-V),
Ultra Mega Power Project (UMPP),
Cheyyur Taluk,
Kanchipuram District.

+1cc to Mr.Arunkungumaraj, Advocate, S.R.No.13980
+1cc to the Government Pleader, S.R.No.13936

W.P.No.6732 of 2015&
M.P.No.1 of 2015

VGI (CO)
CA(31/03/2015)



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