

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM

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

W.P.No.24425 of 2012

1.C.N.SHANMUGASAMY

[PETITIONER]

2.K.JAYANTHI POWER AGENT OF
the 1st petitioner

(2nd petitioner impleaded as per order dated
01/02/2013 made in MP1/13 IN WP 24425/2012)

Vs

THE COMMISSIONER
VILLUPURAM MUNICIPALITY
VILLUPURAM.

[RESPONDENT]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondent to pay compensation of Rs.20,80,000/- for the illegal acquisition of land of the petitioner to the extent of 1300 sq.ft. in Dry S. No.62/3 Plot No.8 Poonthottam, Villupuram, within the period specified by this Court.

For Petitioners ... Mr.N.Suresh

For Respondent ... Mr.P.Srinivas

O R D E R

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

2. Heard Mr.N.Suresh, learned Counsel appearing for the petitioners and Mr.P.Srinivas, learned counsel appearing for respondent.

3.The first petitioner has filed this Writ Petition claiming compensation from the respondent Municipality on the ground his lands were illegally taken over and without resorting to any acquisition proceedings.

4.The respondent in their counter affidavit submitted that the land has been acquired for laying 'Thar Road' as early as

in 1997 and at that time, the first petitioner did not raise any objection and after several decades, now the first petitioner has come forward with this plea.

5.The learned counsel for the petitioners has drawn the attention of this Court to the resolution passed by the respondent on 31.08.2008, wherein it was resolved to grant compensation to the petitioner.

6.On instructions, the learned counsel for the respondent submitted that the said resolution has been cancelled by a further resolution in Resolution No.1804 dated 30.10.2015.

7.However, all these facts have not been brought to the knowledge of the petitioners and stated before this Court for the first time. It is rather unfortunate that the respondent has not even sent reply to any of the petitioners representations. Unless and until the petitioners are put on notice of all the above facts as pleaded in the counter affidavit, they would not be in a position to agitate their claims.

8.Accordingly, the respondent is directed to clearly state as to under what ground the petitioners are not entitled for the claim made by them, along with supportive documents including the records relating to Tamil Nadu Survey and Boundaries Act, 1923, and copy of the resolution dated 30.10.2015, shall be forwarded to the petitioners within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioners are at liberty to work out their remedy in the manner known to law, if they are so advised.

The Writ Petition is disposed of accordingly. No costs.
rpa

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To
THE COMMISSIONER
VILLUPURAM MUNICIPALITY
VILLUPURAM.

+ 1 cc to Mr.N.Suresh, Advocate SR 65923

+ 1 cc to Mr.P.Srinivas, Advocate SR 65748

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