

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No1334 of 2016 &
W.M.P.No.1098 of 2016

Radhika Kannan

[PETITIONER]

Vs

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-09.
- 2 The District Collector
Kancheepuram District, Kancheepuram.
- 3 The Land Acquisition Officer-Cum
Special Thasildhar
MRTS II Extension
Mylapore, Chennai-04.
- 4 The Deputy Chief Engineer-I
Metropolitan Transport Project (Railway 1)
Southern Railway
Mylapore, Chennai-04.
- 5 Gerald [RESPONDENTS]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to forbear respondents 1 to 4 to issue any compensation to the fifth respondent or any other persons and further directing the respondents 1 to 4 to deposit the compensation yet to be awarded under the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act 2013 in Civil Court.

For Petitioner : Ms.M.Sheela

For Respondents : Mr.R.Rajeswaran -R1 to R3
Special Govt.Pleader

Mr.P.T.Ramkumar - R4

No appearance for R5

O R D E R

Heard Ms.M.Sheela, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for respondents 1 to 3 and Mr.P.T.Ramkumar, learned Standing Counsel, appearing for the fifth respondent. Though notice has been served on the fifth respondent, none appears for him and with the consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition, praying for a direction upon the respondents to 1 to 4, not to disburse any compensation under the provisions of Act 30 of 2013, to the fifth respondent.

3.The petitioner earlier approached this Court and filed a Writ Petition in W.P.No.34305 of 2014, praying for a direction not to issue any compensation to the fifth respondent without verifying the genuineness of the fifth respondent's claim and the documents. The said writ petition was disposed of by an order dated 24.07.2015, noting the fact that the compensation amount of Rs.1,51,53,186/- has been deposited to the credit of L.A.O.P.No.6 of 2015 on the file of the Sub Court, Tambaram. In the light of the said fact, the Court observed that Section 30 of the Land Acquisition (Central) Act, 1894, speaks about the disbursement and it is open to the parties to work out their remedy. Now the petitioner apprehends that the third respondent will disburse the compensation to the fifth respondent by computing the compensation under the provisions of Act 30 of 2013.

4.The apprehension of the petitioner is on account of the fact that the fifth respondent earlier filed a Writ Petition before this Court along with 21 others in W.P.Nos.27550 of 2014 etc. batch, wherein they secured compensation under the provisions of Act 30 of 2013. The said Writ Petition has been partly allowed by an order dated 05.08.2015. Therefore, the petitioner apprehends that the fifth respondent may knock away the compensation that may be computed under Act 30 of 2013 by the third respondent.

5.In my view, the apprehension of the petitioner is premature because as on date, no proceedings have been initiated by the third respondent to re-compute the compensation and it is not known as to whether any appeal has been preferred as against the order passed in the Writ Petition.

6.Be that as it may, liberty is granted to the petitioner to submit appropriate objection/representation to the respondents 3 & 4 setting out the full facts and the earlier order passed by this Court in W.P.No.34305 of 2014 and if such representation is filed, the respondents 3 & 4 shall give a reply in writing setting out the factual position so as to enable the petitioner to work out her remedies in the manner known to law. The above direction shall be complied by the respondents 3 & 4, within a period of eight weeks from the date of receipt of the representation from the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary to Government,
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Fort St. George, Chennai-09.
- 2 The District Collector,
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Special Thasildhar,
MRTS II Extension,
Mylapore, Chennai-04.
- 4 The Deputy Chief Engineer-I,
Metropolitan Transport Project (Railway 1),
Southern Railway,
Mylapore, Chennai-04.

+1cc to Mr..Ramkumar, Advocate, S.R.No.10457
+2cc to Mrs.Sheela, Advocate, S.R.No.10212

W.P.No.1334 of 2016

mg (CO)
srg (27/02/2016)