

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.14961 OF 2016

AND WMP.NO.13063 OF 2016

M.Durai

.. Petitioner

Versus

1.The District Collector
Collectorate
Thiruvallur District.

2.The Special District Revenue Officer (L.A)
National Highways - 205
Thiruvallur District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned Emergent Memo in Na.Ka.17/2014/NH-205, Unit - 3, dated 01.08.2014 and its consequential Emergent Memo in Na.Ka.17/2015/NH-205, Unit-3, dated 16.04.2015 issued by the second respondent and quash the same.

For Petitioner :Mr.P.Vijendran

For Respondents :Mr.R.Lakshmi Narayanan
Additional Government Pleader

O R D E R

Heard Mr.P.Vijendran, learned counsel appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, accepting notice on behalf of the respondents. With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2.The petitioner is aggrieved by the memos issued by the second respondent dated 01.08.2014 and 16.04.2015, by which, the second respondent has called upon the petitioner to repay a sum of Rs.67,650/-, being excess amount of compenstaion paid to the petitioner.

3.It is not in dispute that the petitioner was paid a total compensation of Rs.1,90,964/-, in which, the compensation for the land was fixed at Rs.16,569/- and for the building was fixed at Rs.1,74,395/-. According to the impugned memos, the value of the building has been wrongly calculated and the correct amount payable is only Rs.1,06,745/-. Based on these facts, the second respondent issued the Emergent Memo dated 16.04.2015 calling upon the petitioner to repay the amount of Rs.67,650/-, failing which, it is stated that necessary action will be initiated with the assistance of Police.

4.On a perusal of the impugned memo, it is evidently clear that the petitioner was not informed as to how the valuation of the building has been altered from Rs.1,74,395 /- to Rs.1,06,745/-. That apart, without furnishing the full details and affording opportunity to the petitioner, the second respondent could not have passed the impugned memo and threatened the petitioner to repay the money, failing which action would be taken through the police. Hence, on this technical ground, the impugned order calls for interference.

5.Accordingly, the writ petition is allowed and the impugned order is quashed and the matter is remanded to the second respondent and the second respondent is directed to issue show cause notice to the petitioner along with the calculation sheet as to how the building valuation has been redone and afford an opportunity of personal hearing to the petitioner. The second respondent shall comply with the above condition within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

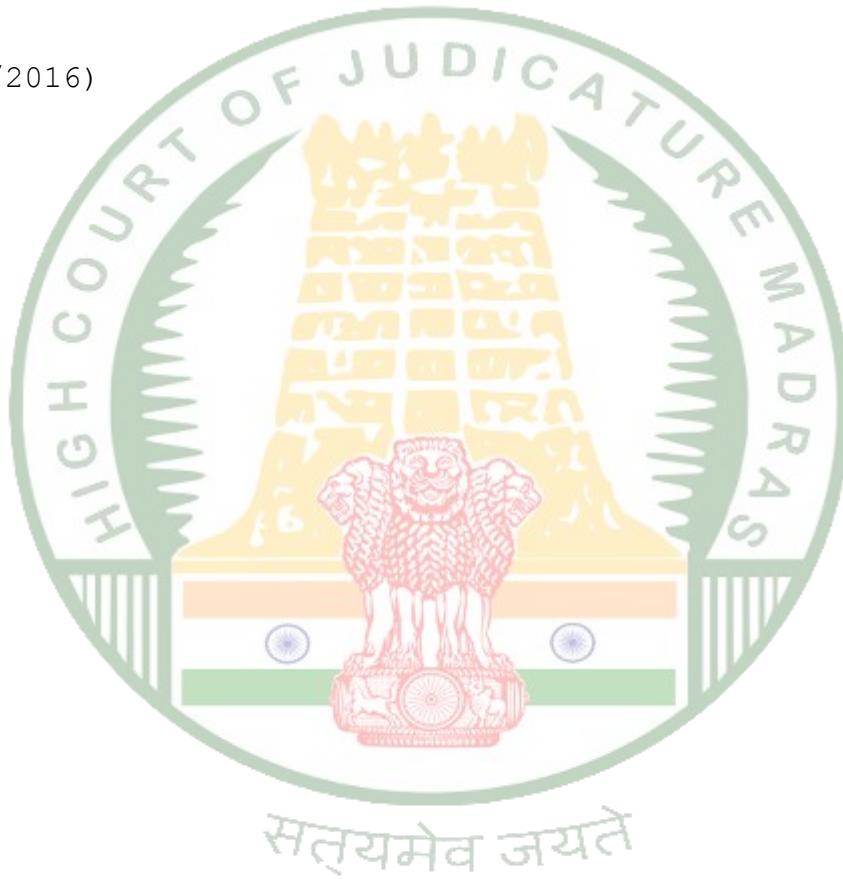
1.The District Collector,
Collectorate,
Thiruvallur District.

2.The Special District Revenue Officer (L.A),
National Highways - 205,
Thiruvallur District.

+1cc to the Government Pleader Sr.25446
+1cc to Mr.P.Vijendran, Advocate Sr.25211

W.P.NO.14961 OF 2016

lrs (CO)
srg (18/05/2016)



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