

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.20346 of 2015

1.Prabha Padmanabhan

2.Preetha Padamanabhan

3.Priya Padmanabhan ... Petitioners
(rep. by their Power Agent K.Unnikumaran)

Vs

1. The Revenue Divisional Officer
National Highways Korattur Scheme
Ponneri Taluk, Tiruvallur District.

2. The District Collector
Tiruvallur District, Thiruvallur. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to either refer the acquisition of petitioners land in S.No.769/1 in Kortattur Village within Ambattur Municipality, Tiruvallur District under Sections 30 and 31 of LA Act, 1894 to a competent authority or to pay compensation for the acquired land in Plot Nos.107 and 108 in Sl.No.769/1 in Korattur Village within Ambattur Municipality, Thiruvallur District within a time frame.

For Petitioners : Mr.K.M.Ramesh

For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.K.M.Ramesh, learned counsel for the petitioners and Mr.R.Rajeswaran, learned Special Government Pleader for the respondents and with the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal.

2.The petitioners have come forward with this Writ Petition praying for issuance of a writ of mandamus to direct the respondents either to refer the acquisition of petitioners land in S.No.769/1 in Kortattur Village within Ambattur Municipality, Tiruvallur District under Section 30 and 31 of Land Acquisition Act, 1894, to a competent authority or to pay compensation for the land acquired in Plot Nos.107 and 108 in Sl.No.769/1 in Korattur Village within Ambattur Municipality, Thiruvallur District.

3.Though elaborate submissions have been made by the learned counsel for the petitioners and the learned Special Government Pleader for the respondents, it would suffice to take note of the following facts.

4.The land owned by the petitioners was acquired for forming the Madras Bye-Pass connecting NH-45, 4 and 5. The acquisition proceedings are not under challenge. It appears that the lands in four Survey numbers owned by the petitioners were acquired and except the land in Survey No.769/1, the petitioners are said to have received compensation.

5.The claim for compensation in respect of Survey No.769/1 was considered by the second respondent and by an order dated 22.07.2014, the second respondent took note of the direction issued by this Court in the earlier Writ Petition in W.P.No.28748 of 2010 and pointed out that by proceedings of the first respondent dated 25.02.2013, the second respondent was directed to take appropriate action for payment of compensation, after verifying all the revenue records. Further, it has been stated in the said order that the petitioners' Power Agent Thiru Unnikumaran was called upon to produce the Linkage Document upto Thiru Angusamy @ Angureddy, who was original pattadar of the land in Survey No.769/1, as per the Revenue Records to prove their claim and the Power Agent of the petitioners has not produced any documentary evidence in support of the said claim. The District Collector has conducted enquiry and also recorded the statement of the power agent of the petitioners. After perusal of all the records and hearing the parties, the District Collector concluded that the petitioners' Power Agent is unable to produce linkage documents to prove his claim to the property in question and on production of the linkage documents, his request would be considered.

6.The first petitioner thereafter submitted a representation to the second respondent on 08.10.2014 and produced the documents being Sale Deed registered as Document No.230 of 1974 and Document No.232/1974 stating that the same are linkage

documents, since there is a reference in the document about the Pattadar Angu Reddy, who has been granted Pata No.118. The said representation made by the petitioner is still pending before the authorities and action has been directed to be initiated by the Special Tahsildar vide proceedings dated 19.4.2014.

7. When there was a stalemate in the matter, the petitioners sought for information under the Right to Information Act and by reply dated 09.12.2014, the first petitioner was informed that the matter is under process. Since nothing turned out thereafter, the petitioners' Power Agent submitted one more representation on 1.5.2015, based on certain observations made in the order passed by the Court in Contempt Petition No.2829 of 2013 dated 08.08.2014.

8. From the above facts, it is evidently clear that the second respondent did not consider the claim made by the petitioners for payment of compensation for the lands which were acquired comprised in Survey No.769/1, as the petitioners were not able to produce linkage documents. According to the petitioners, the linkage documents are document Nos.230/74, 232/74 and the same have been produced before the second respondent.

9. In the light of the above, the second respondent is directed to conduct an enquiry into the matter, verify the full details and after affording an opportunity of personal hearing, if the second respondent is satisfied that adequate linkage documents are available, compensation can be disbursed to the petitioners. However, if the second respondent is not in a position to clearly hold that the petitioners are rightfully and lawfully entitled to the property in question, the second respondent shall refer the matter to the Civil Court as per the provisions contained under sections 30 and 31 of the Land Acquisition Act, 1894. The above direction shall be complied with by the second respondent within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpa

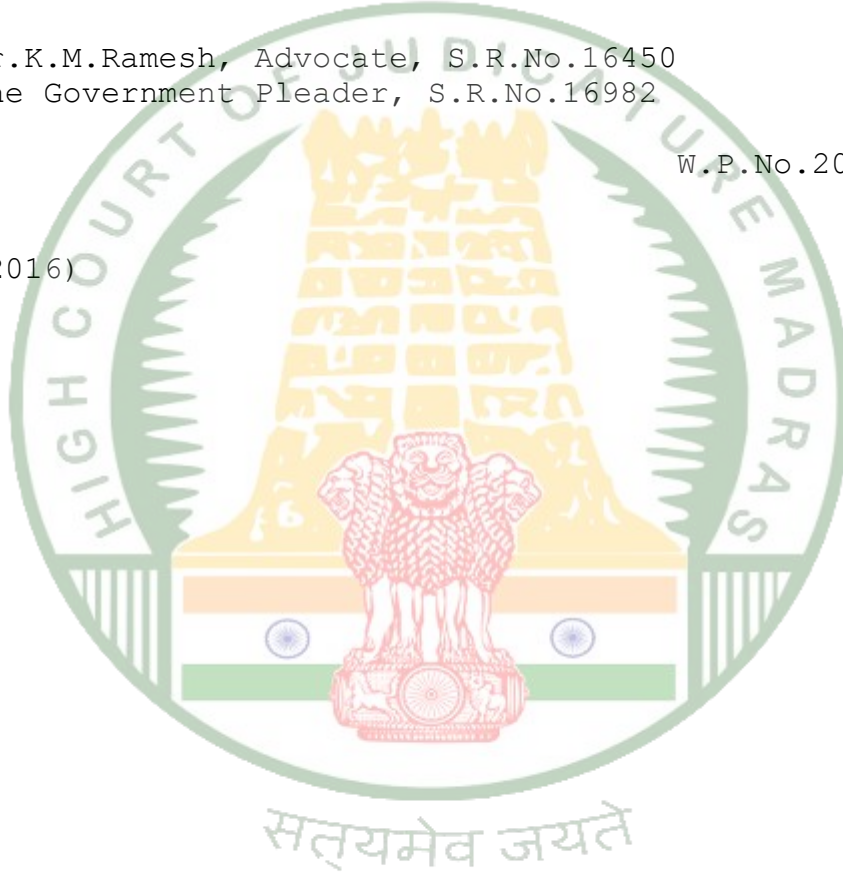
To

1. The Revenue Divisional Officer
National Highways Korattur Scheme
Ponneri Taluk,
Tiruvallur District.
2. The District Collector
Tiruvallur District,
Thiruvallur.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.16450
+1cc to the Government Pleader, S.R.No.16982

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MG (CO)
CA(23/03/2016)



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