

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.3.2016

CORAM

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

W.P.No.29247 of 2015

1 U.Divakar

2 U.Jhansi

3 U.Maya

.. Petitioners

Vs

1 The District Collector
Kancheepuram.

2 The Special Tahsildhar
(Land Acquisition) IT Expressway Scheme
Tambaram Chennai-45.

.. Respondents

This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the 1st respondent to make a reference under Section 20 of the Tamilnadu Highways Act 2001 to the Competent Court for determination of the fair compensation payable to the petitioners in respect of their 45% share of 1 571 sq.ft. of land in Survey No.133 of Palavakkam Village Sholinganallur Taluk Kancheepuram District.

For Petitioner : Mr.I. Abrar Md Abdullah

For R1 and R2 : Mr.R.Rajeswaran

Special Government Pleader

ORDER

The petitioner has filed this writ petition for a direction to the first respondent to refer the matter under Section 20 of the Tamil Nadu Highways Act to the competent court for determination of the fair compensation payable by the petitioner in respect of 45% share of 1,571 sq ft of the land in S.No 133 of Palavakkam Village, Sholinganallur Taluk, Kancheepuram District.

2. Petitioners' case is that they are entitled for compensation in respect of the said extent of the land which admittedly, appears to be an undivided interest. The petitioners would state that pursuant to a deed of compromise in C.S.No.25/1997 dated 22.9.1999, the petitioners are entitled to the compensation. However at this stage of the matter, the same cannot be verified since the compromise is between U.Meenakshi and U.Lakshmi and U.Maya and the third petitioner herein was the second defendant in the suit. The other persons were not parties to the suit.

3. Therefore, the respondent cannot decide the petitioners' representation in the absence of the other claimants to the property, who appear to have a joint interest. Since the petitioners have not impleaded those co-owners, no positive direction can be granted to the petitioners in this writ petition. However, the second respondent shall consider the petitioners' representation dated 28.11.2013, verify the entire details and if in his opinion the other co-owner are also to be heard in this matter, then the second respondent may send notice to them and after hearing all the parties, take a decision on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

4. Writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

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To

1 The District Collector
Kancheepuram.

2 The Special Tahsildhar
(Land Acquisition) IT Expressway Scheme
Tambaram Chennai-45.

+1 cc to Government Pleader sr.14338

+1 cc to M/s.R.Subramanian Advocate sr.14099

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