

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40772 of 2015 &
M.P.No.1 of 2015

C.Sasikumar

[PETITIONER]

Vs

- 1 The District Collector
Thiruvallur, Thiruvallur District.
- 2 The District Revenue Officer
Thiruvallur, Thiruvallur District
- 3 The Divisional Engineer
Highways Department
State Highways, Thiruvallur
Thiruvallur District
- 4 The Assistant Divisional Engineer
Highways Department
State Highways,
Thiruvallur, Thiruvallur District.
- 5 The Tahsildar
Taluk Office
Uthukottai Taluk, Uthukottai,
Thiruvallur District. [RESPONDENT]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to pay a sum of Rs.19,62,000/- towards compensation for the petitioner land encroached upon for widening the road from Vengl-Seethancheri-Kannigaiper Kilometer 18/8-21/6 during the period from 2013-2014 in Revenue Village No.74, Athangikavanur bearing Survey No.274/2 (Patta Land) Oothukottai Taluk Tiruvallur District.

For Petitioner : Mr.S.Udayakumar

For Respondents: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

Heard Mr.S.Udayakumar, learned Counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader, accepting notice for the respondents and with their consent the Writ Petition is taken up for final disposal.

2.This is a second occasion the petitioner is before this Court stating that the lands owned by him to an extent of 18 cents has been utilised for formation of the Road and no compensation was paid to the petitioner.

3.In the earlier Writ Petition in W.P.No.7662 of 2014, the petitioner sought for a direction upon the respondents not to encroach upon the land in survey No.274/2 and not to form any road in the said land. The said writ petition was disposed of by the Hon'ble Division Bench by an order dated 11.4.2014, directing the representation given by the petitioner dated 6.3.2014 to be considered within a period of six weeks. Thereafter, the petitioner filed a Contempt Petition in Con. P.No.2010 of 2014, stating that the respondents have wilfully disobeyed the direction issued by the Hon'ble Division Bench of this Court in its order dated 11.4.2014. During the pendency of the contempt petition, the fourth respondent passed an order on 13.5.2014 and communicated the same to the learned counsel for the petitioner. In the light of the said proceedings, the contempt petition was closed by the Hon'ble Division Bench by an order dated 30.6.2014. Thereafter, the petitioner has submitted a representation dated 5.3.2015 to the third and fourth respondents requesting for payment of compensation.

4.Though the petitioner initially claimed compensation for a larger extent, in the representation, the petitioner has restricted his claim for compensation to the extent of 7 ½ cents. This appears to have been done since in the proceedings dated 30.4.2014 of the fifth respondent, which has been passed pursuant to a survey that the extent of land which has been encroached by the Highways Department for forming the road is 7 ½ cents. Since the said representation has not been considered, the petitioner is before this Court.

5.The learned Additional Government Pleader appearing for the respondents submits that the competent authority to consider the amount to be paid as compensation is the first respondent, but, there is no representation given to the first respondent and if proper representation is given, the same will be considered on merits and in accordance with law.

6.Taking into consideration the facts and circumstances of the case and the submissions made on either side, the petitioner

is directed to submit a representation to the first respondent, enclosing the copy of this order and copies of the proceedings of the Tahsildar dated 30.04.2014 and the reply given by the Assistant Divisional Engineer, Highways Department dated 13.5.2014, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law, so as to enable the petitioner to receive adequate compensation for an extent of 7 1/2 cents. This direction shall be complied with by the first respondent within a period of eight weeks from the date of receipt of this order.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rpa

To

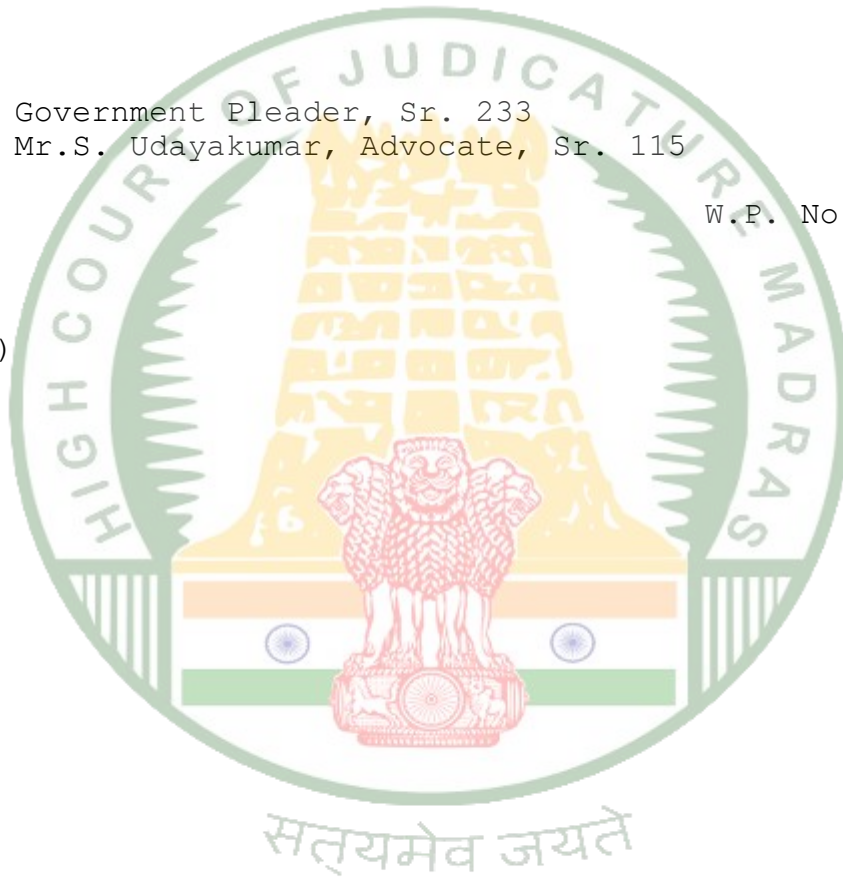
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5 The Tahsildar
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Thiruvallur District.

1 cc to Government Pleader, Sr. 233
1 cc to Mr.S. Udayakumar, Advocate, Sr. 115

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