

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.40836 & 40841 of 2015

M.Suresh Babu ...Petitioner in W.P.40836 of 2015

S.Nalini ...Petitioner in W.P.40841 of 2015

Vs

1. The Competent Authority and
District Revenue Officer (L.A.)
National Highways, Thiruvallur District
Thiruvallur.
2. The Arbitration (NH) & District Collector
Thiruvallur District
Thiruvallur District Collector Office
Thiruvallur Post. ... Respondents in both W.Ps.

COMMON PRAYER: Petitions filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to pay the enhanced compensation for the acquired lands measuring 545 square feet & 538 square feet each at Rs.2,00,000/- per cent as per Order dated 19.6.2009 passed by Principal District Judge, Thiruvallur in Arbitration O.P.Nos.164 & 165 of 2008 for the land situated at G.N.T.Road, Panabakkam Village, Kilmudalambedu Village No.1, bearing Nanjai Survey No.93/6A with interest, compensation and solatium from the date of acquisition.

For Petitioners : Mr.A.Chenchurama Reddy

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

C O M M O N O R D E R

Heard Mr.A.Chenchurama Reddy, learned Counsel appearing for the petitioners and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, accepting notice for the respondents and with their consent the Writ Petitions are taken up for final disposal.

2.The petitioners in both the Writ Petitions are husband and wife, whose lands have been acquired for widening of the National Highways. The petitioners were not satisfied with the compensation fixed and therefore initiated proceedings before the Principal District Judge, Thiruvallur in Arbitration O.P.Nos.164 & 165 of 2008. In the said proceedings, since there was no representation on behalf of the respondents, exparte decrees were passed on 19.6.2009. The said decrees have not been set aside and it is stated that those decrees have become final. Thereafter, the petitioners submitted representations to implement the said decrees and for enhanced compensation. Since no action was initiated, the petitioners through their counsel issued a legal notice on 27.12.2014, for which the first respondent has sent a reply to the petitioners' counsel on 26.2.2015, informing that necessary action is in progress. It is seen that the said communication was sent during February 2015, which is almost one year from the date of issuance of legal notice and it is not known as to why the first respondent has slept over the matter.

3.If the petitioners lands have been acquired, then the petitioners are entitled for fair compensation and the first respondent ought to have finalised the matter at the earliest and the attitude of the first respondent in keeping the matter pending for almost a year and sent a communication on 26.2.2015, has to be deprecated.

4.In the light of the above, a direction is issued to the first respondent to pass final orders by taking into consideration of the relevant materials and intimate the petitioners about the same, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Competent Authority and
District Revenue Officer (L.A.)
National Highways, Thiruvallur District
Thiruvallur.
2. The Arbitration (NH) & District Collector
Thiruvallur District
Thiruvallur District Collector Office
Thiruvallur Post.

+2cc's to Mr.A.Chenchurama Reddy, Advocate, S.R.No.748
+2cc's to Mr.P.Wilson & Associates, Advocate, S.R.No.68469
+1cc to the Government Pleader, S.R.No.279 & 281

W.P. Nos.40836 & 40841 of 2015

RSK(CO)
CA(18/01/2016)

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