

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5542/2015

M.Balakrishnan

..Petitioner

Vs

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Special Tahsildar,
(Land Acquisition), Irungattukottai,
Sriperumbadhur,
Kanchipuram District,
Kanchipuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of declaration, declaring the land acquired from the petitioner without any notice for proceedings to the petitioner in respect of the petitioner's property in Dry S.No.157/2, Ganapathy Nagar, Colony Layout, Plot No.805,806 with an extent of 4800 sq.ft is not valid and consequently direct the respondent to pay the compensation amount to the petitioner on the basis of the representation given dated 15.12.2014.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the respondents and with their consent, this writ petition is taken up for final disposal.

2 Though the prayer sought for by the petitioner is for a larger relief, the petitioner would state that his representation dated 05.12.2014 has not been considered, wherein the petitioner has requested for payment of compensation for the lands said to have been acquired from him. As rightly pointed out by the learned Special Government Pleader, the petitioner's representation dated 05.12.2014 does not specifically state as

to what is the purpose for which the lands were acquired and as to whether the respondents have initiated action under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, since there is an averment in the writ petition that the lands have been taken over for industrial purpose and handed over to the third parties for construction of a factory.

3 It appears that the petitioner is not well informed and is unaware of the particulars. Therefore, it is a fit case where the 2nd respondent should consider the petitioner's representation dated 05.12.2014 followed by a legal notice dated 20.12.2014 and if necessary, call upon the petitioner to produce the available documents and inform the petitioner as to the state of affairs. If the petitioner is justified in contending that his property has been taken away without payment of compensation, then the 2nd respondent is directed to look into the representation and pass orders 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 The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Special Tahsildar,
(Land Acquisition), Irungattukottai,
Sriperumbadur,
Kanchipuram District,
Kanchipuram.

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.8576
+1cc to the Government Pleader, S.R.No.8842

WP.No.5542/2016

lrs (CO)
srg (25/02/2016)