

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.29679 of 2016

1. R.Gunasekaran
2. G.Walter Solomon .. Petitioners

vs

1. The District Collector
Kanchipuram Collectorate
Kancheepuram District.
2. The Special Sub-Collector
(Land and Acquisition)
IT Express Highway Scheme
Tambaram Taluk
Tambaram.
3. The Special Tahsildar
Land Acquisition
Radial Road Scheme
Tambaram Taluk
Tambaram. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying this Court for the issuance of a writ of mandamus to direct the respondents to refer the matter (Land Acquisition) for determination of the Court pursuant to our application/representations dated 02.09.2013 and 01.07.2016 and received by the first respondent on 04.09.2013 and 04.07.2016 respectively.

For Petitioner ... Mr.K.R.Ramesh Kumar

For Respondents ... Mr.T.M.Pappiah
Special Government Pleader

ORDER

The prayer in the writ petition is for the issuance of a writ of mandamus to direct the respondents to refer the matter (Land Acquisition) for determination of the Court pursuant to our application/representations dated 02.09.2013 and 01.07.2016 and received by the first respondent on 04.09.2013 and 04.07.2016 respectively.

2. The petitioners are the joint owners of the property comprised in Survey No.44/4A1 in Alathur village, Chingleput Taluk, Kancheepuram District measuring an extent of 59 cents together with 100 sq.ft. building bore well, submersible motor, motor room, coconut and mango trees, shed and E.B.connection. The respondents acquired the petitioners property under the Tamil Nadu State Highways Act, vide proceedings dated 13.10.2008, issued under Section 15(2) of the Act, for extension of IT Express Highway. After enquiry, an award was passed on 15.07.2013 determining the land value at Rs.1,216 per sq.mt. and a compensation of Rs.31,87,383/- was awarded to the petitioners. Though the said award was passed on 15.07.2013, it is stated to have been sent to the petitioner only on 16.08.2013. Therefore, on 02.09.2013, the petitioner made a representation dated 02.09.2013 to the respondents under Section 20 of the Act, to refer the issue to the Civil Court, for enhancement of the compensation awarded. It is further stated that the said representation was received by the respondents on 04.09.2013. Since there was no response from the respondents till date, the petitioners have come before this court.

3. Heard Mr.K.R.Ramesh Kumar, learned counsel for the petitioners and Mr.T.M.Pappiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. It is evident from the record that the petitioners are the owners of the property in question, having purchased the same through registered sale deed dated 31.07.2006. The petitioners, after receiving the award on 16.08.2013, requested for reference of the matter to the Civil Court, under Section 20 of the Act on 02.09.2013, i.e., within 60 days from the date of reception of the award on 16.08.2013 for enhancement of the compensation. Even assuming for a moment, that the petitioners have to make representation within 60 days from the date of the award, i.e., on 15.07.2013, then also, it could be seen that the petitioners have made such representation dated 02.09.2013, which is well within the limitation period of 60 days.

5. In view of the above, as the representation has been submitted by the petitioners, within the stipulated time, the first respondent is directed to take a decision on the petitioners representation dated 02.09.2016, for reference to the Civil Court, for enhancement of compensation, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition is ordered accordingly. No costs.

7. Post the matter after eight weeks, for reporting compliance, during the first week of November 2016.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Kanchipuram Collectorate
Kancheepuram District.
2. The Special Sub-Collector
(Land and Acquisition)
IT Express Highway Scheme
Tambaram Taluk
Tambaram.
3. The Special Tahsildar
Land Acquisition
Radial Road Scheme
Tambaram Taluk
Tambaram.

Copy to:
The Section Officer,
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+1 cc to Govt.Pleader,sr.49313.

+1 cc to Mr.K.R.Ramesh Kumar,advocate,s.r11550.(21/9)

sv(co)
krd 12/9

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