

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3176 of 2016

A.M.M.Foundation
No.3 (Old No.2) Sriram Nagar
North Street
Alwarpet
Chennai-18 rep by its Secretary
Mr.A. Rajagopal ... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.Special Deputy Collector-Land Acquisition,
Tamil Nadu Urban Development Project - III,
No.15, M.G.Nagar, Main Road,
Poonamallee, Chennai 600 056.
- 3.Special Tahsildar - Land Acquisition,
Tamil Nadu Urban Development Project - III,
No.15, M.G.Nagar, Main Road,
Poonamallee, Chennai 600 056.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent authorities either to conduct an enquiry under Section 19(3) (5) (7) and (9) or to make a reference to Court under Section 20 of the Tamil Nadu Highways Act 2001 for enhancement and payment of fair compensation to the petitioner for the acquisition of land measuring 620 sq.ft in Survey No. 87/2 Thiruvottiyur Village, Madhavaram Taluk, Thiruvallur District and the building and structures existed therein within a time limit to be stipulated by this Court.

For Petitioner .. Mr.S.Thankasivan

For Respondents .. Mr.R.Vijayakumar, AGP

ORDER

Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Petitioner has come up with the present writ petition praying for a direction to the respondents either to conduct an enquiry under Section 19(3) (5) (7) and (9) or to make reference to Court under Section 20 of the Tamil Nadu Highways Act 2001, for payment of enhancement of compensation for the lands which have been acquired from the petitioner. Petitioner received the notice issued by the third respondent dated 21.11.2011, in which the petitioner was granted 15 days time to respond. The petitioner on 19.12.2011, sent a request to the authorities stating that they may be given an opportunity to substantiate their claim, for compensation of Rs.48,75,000/-. It may be true that the petitioner had specifically stated in the representation that the matter be referred to Civil Court under Section 20 of the Act. However, non quoting of the provision of law will not vitiate the matter. It is seen from the postal receipt issued that the representation has been forwarded to the respondent on 19.12.2011. Thereafter, the petitioner has sent a remainder on 02.03.2012 by speed post, requesting to expedite the matter followed by a further representation on 10.10.2012. Pursuant thereto, the third respondent by reply dated 13.12.2012, informed the petitioner that they have not given their request within a period of 60 days, for referring the matter to the Civil Court for claiming enhancement of compensation. Even thereafter, the petitioner has been making several representations. From the documents filed in the typed set of papers, it is seen that the petitioner has not specifically mentioned in his representation to the third respondent by referring the date on which the representation dated 19.12.2011 had been sent. If such representation was shown to have been sent by producing the speed post receipt dated 19.12.2011, it is well within the period of 60 days and reference has to be made. However, this aspect of the matter has not been specifically gone into as it was not pointed out by the petitioner that they had sent a representation on 19.12.2011 itself.

3. In the light of the above, there will be a direction to the second respondent to take into consideration the petitioner's representation dated 19.12.2011 on the petitioner appearing in person before the second respondent and producing the original of the postal receipt dated 19.12.2011. The second respondent is directed to verify the the same and, if found to be in order, shall make reference to the Civil Court. In the

event there is any other issue to be pointed out, then the second respondent should pass a speaking order and intimate the same to the petitioner.

4. However, the above direction, shall be complied with, within a period of two weeks, from the date on which the petitioner appears before the second respondent as directed above. This writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

smi

To,

1. The District Collector,
Thiruvallur District, Thiruvallur.
- 2.Special Deputy Collector-Land Acquisition,
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- 3.Special Tahsildar - Land Acquisition,
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1 cc to Government Pleader, Sr. 6074

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SR (CO)
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