

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.39333 of 2016

A.Raja

[Petitioner]

Vs

- 1 The District Collector
Cuddalore District
- 2 The Sub-Collector (Land Acquisition)
Sub-Collector (L&A) Office
Neyveli Cuddalore – 607 802
- 3 The General Manager (L.A. R&R)
Land Acquisition Office
NLC Office
Neyveli Cuddalore– 607 807

[Respondents]

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 and 3 herein to consider and pass order on the representation of the petitioner dated 29.10.2015 and consequently direct the respondents 2 and 3 to allot the alternative house site to the petitioner herein and compensation.

For Petitioner	..	Mr.G.Muthumumar
For Respondents	..	Mr.T.M.Pappiah, SGP

ORDER

This writ petition has been filed for the issue of a writ of mandamus to direct the respondents 2 and 3 herein to consider and pass order on the

representation of the petitioner dated 29.10.2015 and consequently direct the respondents 2 and 3 to allot the alternative house site to the petitioner herein and compensation.

2. The petitioner and his family is said to have been living at 205-B, Vaikkal Mettu Street, Gangai Kondan, Viruthachalam Taluk, Neyveli for the past 60 years. In the year 2013, the Neyveli Lignite Corporation, conducted a survey for land acquisition proceeding for expansion of Mine-I project of NLC and took details of the families/encroachers who are living in that area for several years, so that alternative house site of 3 cents could be allotted to the affected persons. On 01.02.2014, the respondents gave a Public Notice for Land Acquisition. The said notice contain Annexure I, giving details of persons who are eligible for allotment of sites and Annexure II, giving details of persons who are not eligible to get allotment as they fail to produce documents to show that they have been in possession of their property right before 2003. However, in the same notice, it has been stated that if the persons who have been shown in Annexure II are able to produce documents to show that they have been in possession of the property even before 2003, their names will be deleted from Annexure II and they will be given alternative site by including their names in Annexure I. Pursuant to the said public notice, the petitioner gave a representation on 29.10.2015 to the respondents annexing 27 documents

including Community certificate issued in the year 1991, family card issued for the period 1993–1998, birth certificate of the petitioner's son issued by the Town Panchayat in 1995, Voter's Identity Card, Property Tax Receipt issued in 2001 etc., thereby proving that he is in possession of the property for so many years. Though the said representation was given on 29.10.2015, to include his name in the list who are eligible for alternative site, so far, no decision has been taken. Therefore, the petitioner has come before this Court.

3. Heard Mr.G.Muthukumar, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, who took notice for the respondents.

4. The petitioner contends that he is in possession and enjoyment of the property even before 2003 and certain documents have been enclosed in the representation dated 29.10.2015. So far there is no response. Though the petitioner has come forward with the larger relief in the writ petition and the representation was given on 29.10.2015, this Court is of the view that it would suffice if a direction to the respondents to dispose of the representation of the petitioner within a time frame. Further, this Court is of the view that since the representation was given on 29.10.2015, for the sake of convenience, the petitioner may be directed to give a fresh representation enclosing all the

documents and on receipt of such representation, the respondents may be directed to dispose of the same within a stipulated time.

5. In view of the above, this writ petition is disposed of by directing the petitioner to send a fresh representation to the respondents 2 and 3 giving all the details and annexing the necessary documents to prove that he has been in possession and enjoyment of the property even before 2003 within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 2nd and 3rd respondents are directed to pass appropriate orders on the same, within a period of eight weeks thereafter. No costs.

Post the matter for reporting compliance **after ten weeks.**

10.11.2016

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To

- 1 The District Collector
Cuddalore District
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- 3 The General Manager (L.A. R&R)
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N.KIRUBAKARAN, J

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