

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.39647 of 2016

K.Muthusamy

.. Petitioner

-vs-

1. The District Collector
Erode District, Erode

2. The Revenue Divisional Officer
Erode, Erode District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to conclude the enquiry under Section 28(A) of Land Acquisition Act in pursuant to the enquiry notice dated 19.03.2013 issued by the second respondent and pass final orders.

For Petitioner :: Mr.C.Prakasam

For Respondents :: Mr.M.Elumalai
Government Advocate

ORDER

Mr.K.Muthusamy, S/o late Kuppusamy Gounder, claiming to be the owner of the land covered in R.S.Nos.407/1, 408/1 and 408/4 in Erode Village, Erode Taluk and District to an extent of 0.85.5 hectare, has come up with a grievance that the land in question was acquired by the Tamil Nadu Housing Board for implementation of the housing scheme in the year 1976 and subsequently a meagre amount of compensation was also sanctioned by the respondents. Thereafter the matter was referred before the Sub Court, Erode in L.A.O.P.No.2 of 1994 for enhancement of compensation and the Sub Court enhanced the compensation viz., from Rs.75/- per cent to Rs.750/- per cent and the Sub Court also awarded compensation for trees, against which the Special Tahsildar, Land Acquisition, Neighbourhood Scheme, Erode approached this Court with A.S.No.665 of 1997. But this Court confirmed the order passed in L.A.O.P.No.2 of 1994. Thereafter the petitioner and other land owners have made written representations before the respondents under Section 28A of the Land Acquisition Act for re-determination of the compensation.

2. It is stated by the learned counsel for the petitioner that the second respondent also conducted an enquiry under Section 28A of the Land Acquisition Act on 15.4.2013. But till date, no order has been passed. He has also brought to the notice of this Court the copy of the enquiry notice dated 19.3.2013 issued by the Revenue Divisional Officer, Erode, the second respondent under Section 28A of the Land Acquisition Act to the petitioner and other land owners.

3. In the light of the above, since the second respondent has not passed any order till date on the enquiry under Section 28A of the Land Acquisition Act, this Court, putting on notice the learned Government Advocate for the respondents, hereby directs the Revenue Divisional Officer, Erode, the second respondent herein to pass a speaking order finally on the enquiry under Section 28A of the Land Acquisition Act in the manner known to law within a period of eight weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

1. The District Collector
Erode District, Erode

2. The Revenue Divisional Officer
Erode, Erode District

+1 cc to M/s.C.Prakasam Advocate sr 74309
+1 cc to Government Pleader sr 73780

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