

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44263 of 2016

P.Gopalakrishnan

.. 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

The grandfather of the petitioner had suffered an award for acquisition of the land covered in Survey No.405/3, Erode Village, Erode Taluk admeasuring 0.72 hectare for implementation of a housing scheme in the year 1973 by the Tamil Nadu Housing Board. Learned counsel for the petitioner also submitted that the respondents also sanctioned a meagre amount towards the compensation. However, after the demise of his grandfather, his father Mr.Ponnusamy pursued the land acquisition case and also filed W.P.No.2512 of 1997 seeking a direction to the District Collector, Erode to consider and dispose of his application dated 15.1.97 under Section 28-A of the Land Acquisition Act. Since the case of Mr.Ponnusamy, the father of the petitioner was accepted by this Court, an order was passed on 25.2.97 directing the District Collector, Erode to dispose of the said representation under Section 28-A of the Land Acquisition Act within a period of eight weeks. It is pertinent to extract the relevant portion of the order dated 25.2.97, as follows:-

"3. In the above circumstances, I direct the first respondent to consider and dispose of the application made by the petitioner on 15.1.97 under Section 28-A of the Land Acquisition Act within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly. No costs. W.M.P.is consequently dismissed."

2. Pursuant thereto, although a notice was issued by the second respondent to attend the enquiry under Section 28-A of the Land Acquisition Act on 19.3.2013, the petitioner also, after the demise of his father, took part in the enquiry held on 15.4.2013 at about 11.00 A.M. Even after a lapse of more than 3 ½ years, till date, there is no progress in the enquiry under Section 28-A of the Land Acquisition Act. Hence the petitioner is once again constrained to approach this Court seeking a direction to the respondents to pass final orders on the enquiry under Section 28-A of the Land Acquisition Act.

3. Mr.M.Elumalai, learned Government Advocate is directed to take notice on behalf of the respondents.

4. This Court is not able to find any justification on the part of the respondents in delaying the matter. The reason is that when the petitioner's father Mr.Ponnusamy had come to this Court way back in 1997, almost 19 years ago, with a similar prayer for expeditious completion of the enquiry initiated under Section 28-A of the Land Acquisition Act, this Court, by order dated 25.2.97, had given only eight weeks time to the District Collector, Erode to complete the enquiry under Section 28-A of the Act. Hence the delay in not passing any final order cannot be accepted. Therefore, this Court hereby directs the District Collector, Erode District, the first respondent herein to complete the entire exercise, in the light of the earlier order passed by this Court in W.P.No.2512 of 1997 dated 25.2.97, within a period of two weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Call the matter after a week thereafter for reporting compliance.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Erode District
Erode

2. The Revenue Divisional Officer
Erode, Erode District

Copy to:
The Section Officer,
Writ Section, High Court, Madras.

+1 cc to Mr. Prakasam, advocate, sr. 76407

+1 cc to Govt. Pleader, sr. 76426.

mg(co)
krd 3/1

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