

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.4936 of 2016
and
W.M.P.No.4282 of 2016

M.Rajaprakasam

.. Petitioner

Vs

1. The District Collector,
Chennai District,
Singaravelar Maaligai,
North Beach Road,
Chennai.

2. Land Acquisition & Special Tahsildar,
Chennai Unit II,
Chennai Metro Rail Limited (CMRL)
Harini Towers, (L.A.Division)
Door No.7, Conran Smit Road,
Gopalapuram, Chennai - 86.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to refer the matter for the determination of the proper compensation by the civil court in respect of the land belonging to the petitioner covered in Award No.15 of 2011-12 dated 08.02.2012.

For Petitioner : Mr.R.Muthukumarasamy, Senior
Counsel for M/s.A.Jenasenan

For Respondents : Mr.Lakshminarayanan
Addl Government Pleader for R1

ORDER

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

2 In the light of the fact that this Court is not inclined to adjudicate the merits of the claim made by the petitioner, notice to the 2nd respondent is dispensed with.

3 The petitioner has made a request to the 1st respondent for reference to the Competent Civil Court u/s.18 of the Land Acquisition Act, 1894. It is stated by the petitioner that he has submitted his objection on 08.02.2012 stating that he is not satisfied with the Award passed by the Land Acquisition Officer. The petitioner seeks to explain the reason for approaching this Court at this juncture since there was a dispute as regards ownership of the property and this dispute was referred to the City Civil Court in LAOP.No.8/2012 and judgment was passed on 09.04.2015 and therefore, the petitioner would state that he is prosecuting the matter now, though his objection is well within the time. These facts should be verified by the 1st respondent and if found to be correct, the request can be considered on merits and in accordance with law. The 1st respondent is directed to take a decision in terms of the aforesaid direction within a period of six weeks from the date of receipt of a copy of this order.

4 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

AP

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1. The District Collector,
Chennai District,
Singaravelar Maaligai,
North Beach Road,
Chennai.

2. Land Acquisition & Special Tahsildar,
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+ 1 cc to Mr.A.Jenasenan, Advocate SR 8686

+ 1 cc to Govt.Pleader SR 8833

nm(co)
prk22/2

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