

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5837 of 2016

L.S.Ganapathy

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. Special Tahsildar (Land Acquisition),
Oragadam Industrial Park Road,
Sriperumpudur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 23.01.2016.

For Petitioner : Mr.D.S.Ramesh

For Respondents : Mr.S.Pattabiraman,
Government Advocate

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 23.01.2016.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he got the property at Pondur 'C' Block, Sriperumbudur Taluk in Survey No.449.B/3 of an extent of 27 cents. The second respondent acquired 480 Sq.Mt. from that land as per order No.7 of 2012, dated 28.03.2012 and thereafter,

without any enquiry, they fixed the compensation amount, which was subsequently deposited in the Treasury. It is further stated by the petitioner that on 07.08.2014, the second respondent sent a letter to the petitioner stating that as per the judgment dated 28.03.2012 in Judgment No.7 of 2012, the compensation amount is calculated and fixed at Rs.11,96,216/-, which was deposited in the Treasury. It is the grievance of the petitioner that since the compensation amount is very low, he requested the respondents to increase the compensation amount as per the Rules of the latest amendment to the Land Acquisition Act and also requested them that if they are not willing to do the same, the petitioner's case may be referred to the Court to decide the compensation amount as per law. Both the respondents assured the petitioner that they would forward the said representation along with papers to the Court to get appropriate remedy. While so, on 18.09.2014, the respondents issued a cheque in favour of the petitioner, bearing Cheque No.269445 for Rs.11,96,216/- and informed the petitioner that after receiving the said cheque, they would forward the representation of the petitioner to the Court. Accordingly, believing their words, the petitioner received the cheque without prejudice and encashed the same. Thereafter, the petitioner went to the respondents' office many times to ask them as to whether they referred the case to the Court and the petitioner was informed that his case was referred to the concerned Court. After verifying with the District Munsif Court, Sriperumbudur, it is found by the petitioner that the concerned Court did not receive the papers. Therefore, the petitioner again approached the first respondent and since he was told that his representation was misplaced, the petitioner was advised to give a fresh representation. Accordingly, on 23.01.2016, the petitioner gave another representation to the respondents. Though the said representation dated 23.01.2016 was received by the respondents on 27.01.2016, the respondents have not taken any steps to forward the petitioner's case to the concerned Court for getting fair compensation as per law. Hence, the petitioner has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

4. Considering the limited scope of the prayer made in the Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the second respondent to consider the said representation of the petitioner, dated 23.01.2016 and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the

said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar (Land Acquisition),
Oragadam Industrial Park Road,
Sriperumpudur.

+1cc to Mr.D.S.Ramesh, Advocate, S.R.No.10074

+1cc to the Government Pleader, S.R.No.10273

W.P.No.5837 of 2016

SAI (CO)
CA(02/03/2016)

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