

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6144 of 2016

V.Subramaniyan

.. Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thirunammalai.

2. The Tahsildar,
Cheyyar Taluk,
Cheyyar, Thiruvannamalai District.

3. The Panchayat President,
Azhividathangi Village,
Cheyyar Taluk,
Thiruvannamalai District.

.. 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 dispose or consider the petitioner's representation, dated 23.01.2016 to pay the compensation for laying "Thar Road" in the land measuring an extent of 0.55 acres comprised in S.F.No.129, S.No.1292/11 situated at Azhividathangi Village, Cheyyar Taluk, Thiruvannamalai District, within the period that may be stipulated by this Court.

For Petitioner : Ms.K.Karthiyayeni

For Respondents : Mr.P.Sanjay Gandhi, Addl.G.P. for RR.1 & 2
Mr.M.S.Ramesh for R-3

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus, to direct the respondents to dispose or consider the petitioner's representation, dated 23.01.2016 to pay the compensation for laying "Thar Road" in the land measuring an extent of 0.55 acres comprised in S.F.No.129, S.No.1292/11 situated at Azhividathangi Village, Cheyyar Taluk, Thiruvannamalai District, within the period that may be stipulated by this Court.

2. It is the case of the petitioner that, originally the land measuring an extent of 0.55 acres of dry land comprised in S.F.No.129, S.No.1292/11 situated at Azhividathangi Village, Cheyyar Taluk, Thiruvannamalai District, was owned and possessed by the petitioner. The said land was assigned to the petitioner by the Government in 1975 and patta bearing No.638 was also mutated in the petitioner's name. Pursuant to the said assignment and patta, the petitioner is in absolute possession and enjoyment of the said land for more than 30 years without any hindrance. The petitioner being a farmer, is cultivating on the said land and due to monsoon failure, when he moved out of the village for alternative employment, he found that the third respondent has illegally encroached upon the said land and laid a Thar Road without notice or without initiating any land acquisition proceedings under the Land Acquisition Act and no compensation was also paid. It is the grievance of the petitioner that the said land is the petitioner's source of livelihood and when he enquired the third respondent about the encroachment, there was no response. It is further stated by the petitioner that though the said Thar Road would facilitate the people of locality, the respondents ought to have acquired the land as per law and paid compensation. Hence, the petitioner sent a representation, dated 23.01.2016 to the respondents to provide him with adequate compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. Since the said representation is pending without consideration, the petitioner has filed this Writ Petition for the above said relief.

3. Heard both sides.

4. Without going into the merits of the case, the petitioner is directed to give a fresh representation to the first respondent within a period of one week from the date of receipt of a copy of this order, along with a copy of this order and the petitioner is also directed to produce all necessary documents in support of his claim. On receipt of the said representation from the petitioner, the first respondent is directed to call for a report from the third respondent and thereafter conduct enquiry and afford an opportunity of hearing to the petitioner and necessary parties and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Copy to

1. The District Collector,
Thiruvannamalai District,
Thirunammalai.
2. The Tahsildar,
Cheyyar Taluk,
Cheyyar, Thiruvannamalai District.
3. The Panchayat President,
Azhividathangi Village,
Cheyyar Taluk,
Thiruvannamalai District.

+ 1 cc to Mr.J.D.Ramachandran, Advocate SR 10627

+ 1 cc to the Govt.Pleader SR 10800

kk(co)
prk24/2

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सत्यमेव जयते

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