

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7486/2016 & WMP.No.6698/2016

G.Sankaran

.. Petitioner

-Versus-

The Special District Revenue Officer [LA]
National Highway, Villupuram.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the respondent in Na.Ka.C/Tha.Ma.VaA/NeA/TheNa/45A/825/2015 dated 04.02.2016, quash the same and direct the respondent herein to consider the objection of the petitioner in relation to the lands in survey No.4/1B, 4/2B, 4/3B at Valavanur Village and S.No.160/11, 160/12B, 160/13, 164/1 in Kenkarnapalayam village, Villupuram District.

For Petitioner : Mr.G.Surya Narayanan

For Respondent : Mr.M.L.Mahendran, GA

ORDER

Heard the learned counsel for the petitioner ; and Mr.M.L.Mahendran, learned Government Advocate accepting notice on behalf of the respondent and with their consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner is aggrieved by the proceedings of the respondent dated 04.02.2016 by which, the respondent has stated that the petitioner's objections to the Land Acquisition Proceedings, has been belatedly received and therefore, it cannot be considered.

3. Admittedly, before the Notification could be issued, the objections have been received by the respondent. Even assuming that there is some delay, in my view, the respondent, being the Land Acquisition Officer, cannot reject the application merely on the ground of delay, when on several

occasions, the respondent has refused to forward the papers to the Arbitrator for enhanced compensation and on such occasions, this Court has to issue a writ of mandamus to compel the respondents/authorities to perform their statutory duty. The petitioner would state that he has not been permitted to peruse the records since the notification which was published in the newspapers did not contain the names of the land owners ; but only mentioned as private parties. Therefore, this Court is of the view that the petitioner's objections should be taken into consideration.

4. Accordingly, the writ petition is allowed and the impugned notice of the respondent dated 04.02.2016 is hereby quashed. The respondent is directed to consider the petitioner's representation/ objections, after affording him an opportunity of personal hearing and permitting him to peruse the records which he may seek to peruse and pass orders on merits and in accordance with law. The above direction shall be complied with by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

AP

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Special District Revenue Officer [LA]
National Highway, Villupuram.

+ 1 cc to The Govt.Pleader, High Court, Madras. Sr 13237

+ 1 cc to Mr.G.Surya Narayanan, Advocate Sr 12863

KR/4/3/16

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