

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.Nos.5076 & 5077 of 2017

J.Meganathan

.. Petitioner in both WPs

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Chennai-600 009.
2. The Commissioner of Municipal Administration,
Office of Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
3. The Collector,
Collectorate Office,
Sathuvancherry, Vellore District.
4. Municipal Commissioner,
Ambur Municipality,
Ambur-365 802,
Vellore District.

.. Respondents

Prayer in WP.No.5076: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 3 and 4 to dispose of the representation dated 28.12.2016 within the time stipulated by this Court.

Prayer in WP.No.5077: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 2 to 4 to disburse Rs.20, 25,084/- the compensation amount payable for construction of Overhead Water Tank in the petitioner's land at Ward No.A, Block No.3, Old Town Survey No.38/2 New Town Survey No.35/2B 0.455 sq.metre, A-Kaspa, Ambur, Vellore District as per proceedings of the 2nd respondent in proceedings No.15968/2016/Dp-3 dated 02.08.2016 within the time stipulated by this Court.

For Petitioner in both WPs : M/s.S.Thamizharasi

For Respondents in both WPs : Mr.M.Elumalai,
Government Advocate

COMMON ORDER

The petitioner, being the owner of the land situated at Town Survey No.38/2, Block-3, Ambur Town Ward-A, Vellore District, has consented to give his land for construction of overhead water tank under Kauvery Joint Drinking Water Scheme to the fourth respondent, Ambur Municipality and the said land was utilised for the purpose of constructing the overhead water tank. In the meanwhile, by entering into private negotiation between the petitioner and the third and the fourth respondent dated 23.01.2015, the compensation has been determined at Rs.20,08,004/- and the same was not paid to the petitioner till date, despite many demands. Therefore, the petitioner has issued a legal notice dated 28.12.2016 to the third respondent calling upon to pay the sale consideration of Rs.20,08,004/- and for execution of sale deed. But, till date, there was no reply from the respondents.

2.The grievance of the petitioner in W.P.No.5077 of 2017 is that when the respondents are constructing the overhead water tank in Town Survey No.38/2 belonging to the petitioner, which was already acquired [4897.57 sq.ft.,] to take water to the other water tank, by laying pipe lines utilising the petitioner's other land 3100 sq.ft, they have not even come forward to initiate private negotiation. Although the petitioner did not raise any objection in laying pipe lines utilising 3100 sq.ft. for the purpose of putting of overhead water tank, they can't deny reasonable compensation to the land. In spite of repeated request, the respondents 3 and 4, till date, have not come forward to consider the petitioner's representation dated 28.12.2016, where the petitioner sought for compensation. Since the petitioner's land which has already been utilised for putting up construction for overhead water tank under Kauvery Drinking Water Scheme and the pipe lines were also laid by utilising 3100 sq.ft. of land, the District Collector/third respondent is hereby directed to consider the representation dated 28.12.2016 and execute the sale deed, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order by passing a speaking order, failing which, the said amount will carry interest at 10% p.a.

3. With the above direction, these writ petitions are disposed of. No costs.

-s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
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- +1 CC to The Govt. Pleader sr 13592

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