

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.9407 of 2017

P.Yogapathy

[Petitioner]

Vs

1. The District Collector,
Kancheepuram
Kancheepuram District.
2. The Managing Director,
Sipcot Industrial,
Irungattukottai,
Sriperumbathur Taluk,
Kancheepuram District.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to re-convey the land comprised in No.344/4 and 346/5 at Thirumangalam Village, Sriperumbathur Taluk, Tiruvallur District being Plot No.72 in the approved layout L.P/DTCP No.622/91 as per the sale deed dated 07.02.1996 by passing orders on the representation dated 03.03.2017.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.S.Navaneethan, AGP (R1)

ORDER

Mr.S.Navaneethan, learned Additional Government Pleader, takes notice for the 1st respondent. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the the 1st respondent to re-convey the land comprised in No.344/4 and 346/5 at Thirumangalam Village, Sriperumbathur Taluk, Tiruvallur District, being Plot No.72 in the approved layout as per the Sale Deed dated 07.02.1996, by considering her representation dated 03.03.2017.

3. It is the grievance of the petitioner that the above said lands were acquired by the 2nd respondent. However, no notice was served on her and no compensation was paid to her. In these circumstances, the petitioner sought for re-conveyance of the acquired lands.

4. The learned counsel appearing for the petitioner submitted that inspite of the petitioner's representation dated 03.03.2017, the 1st respondent has not passed any order so far.

5. Mr.S.Navaneethan, learned Additional Government Pleader, appearing for the 1st respondent submitted that the award amount has already been deposited before the Civil Court and therefore, no remedy is available to the petitioner at this stage. Further, the learned Additional Government Pleader submitted that the land was acquired as early as in the year 2000 and therefore, after a lapse of 17 years, the petitioner has given the representation for re-conveyance, which cannot be allowed.

6. Having regard to the submissions made by the learned counsel on either side, I am of the view that the 1st respondent can consider the petitioner's representation and it is open to the 1st respondent to decide the same on merits and pass suitable orders. It is not necessary that once the representation is considered, he should accept the contention of the petitioner.

7. In these circumstances, I direct the 1st respondent to consider the petitioner's representation dated 03.03.2017 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

With the above observation, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gsa/rg

To

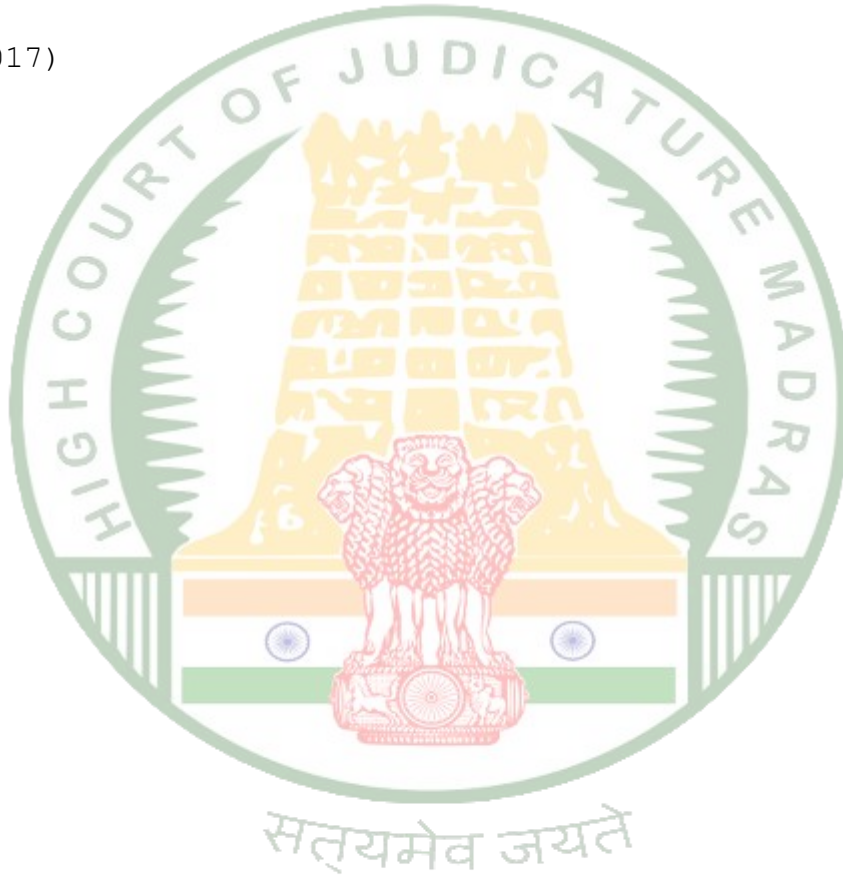
1. The District Collector,
Kancheepuram
Kancheepuram District.

2. The Managing Director,
Sipcot Industrial,
Irungattukottai,
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+1cc to M/S.N. Edwin Jeyakumar, Advocate Sr. 23442

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KJ (CO)
VR(26/4/2017)



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