

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.3160 of 2017

P.Saminathan

... Petitioner

Vs

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Special Tahsildar (L.A.),
Railway Two Line Broad Gauge Project,
Ariyalur,
Ariyalur District.

3. The General Manager,
Southern Railways,
Chennai-600 003.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to determine and pay the compensation under "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" (Central Act 30 / 2013) in respect of the lands in SF No.343/4A, 343/4B, 343/4C and 343/4D of Ariyalur South Village, Ariyalur Taluk and Ariyalur District.

For Petitioner : Mr.S.Kamadevan

For Respondents 1 and 2 : Mr.A.Zakir Hussain
Government Advocate

For 3rd Respondent : Mr.P.T.Ramkumar

O R D E R

The petitioner has come forward with this writ petition for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to pay compensation for the land already acquired for the benefit of the 3rd respondent. The petitioner owns about 76 cents in S.F.Nos.343/4A, 343/4B, 343/4C and 343/4D of Ariyalur South Village, Ariyalur Taluk and District. While so, the said land

was acquired along with adjacent land for the public purpose involved in laying of Railway lines. The learned counsel submitted that notification is yet to be issued, however, possession of lands have been taken and railway lines too have been laid in the property. The petitioner sent a representation dated 21.12.2015 to determine the market value of the land indicated by the 1st respondent. It is in this circumstance, the petitioner has come forward with this petition.

2. The 2nd respondent has filed his counter as well as an additional counter along with inadequately organised typed set of papers. In paragraph No.13 of the additional counter affidavit, it is stated that the petitioner's request for determining compensation has been accepted and necessary steps are being taken to ascertain the value of the petitioner's land. It is further averred in the said counter the manner by which the respondents proposed to value the property of the petitioner. Since it is not known, whether the manner / procedure as disclosed in paragraph No.13 of the additional counter affidavit is in consonance with the settled legal principles and provisions of law, this Court does not want to pass any opinion on that.

3. Inasmuch as the 2nd respondent/Land Acquisition Authority has conceded to fix the compensation to the petitioner's land, this Court deems it necessary only to issue a direction to the 2nd respondent to complete the process within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ssn

To

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Special Tahsildar (L.A.),
Railway Two Line Broad Gauge Project,
Ariyalur,
Ariyalur District.

3. The General Manager,
Southern Railways,
Chennai-600 003.

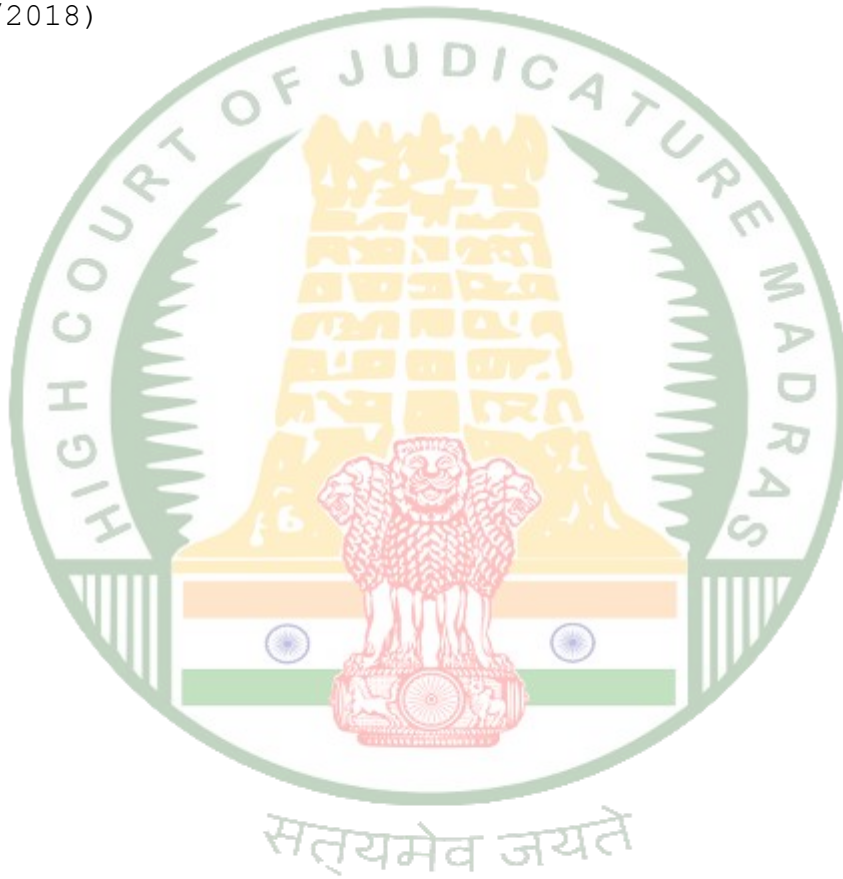
+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.92513

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.92278

+1cc to the Government Pleader, S.R.No.92534

W.P.No.3160 of 2017

RRK(05/01/2018)



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