

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.31738 of 2017

S.Viji ... Petitioner
-Vs-

1.The District Collector
Kancheepuram District
Kancheepuram.

2.The Special Tahsildar (Land Acquisition)
Unit III, Chennai Airport Expansion Scheme,
No.27/15, Pattanool Chattiram
Sriperumbudur - 602 105.
Kancheepuram District. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents to dispose of the petitioner's side representation dated 10.01.2013 and the consequential communications or any other appropriate writ or order or direction.

For Petitioner : Mr.K.Bijai Sundar
For Respondents : Mr.A.Zakir Hussain
Government Advocate

ORDER

The petitioner in this writ petition seeks a direction to the second respondent for referring the matter to the jurisdictional Court under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

2. The learned counsel for the petitioner submitted that the petitioner's land has been acquired and an award has been passed by the first respondent on 03.12.2012, and being aggrieved by the quantum of compensation paid as well as the extent of property of the petitioner, the petitioner had filed a representation before the second respondent on 10.01.2013, to make a reference to the Court. He further submitted that frequent reminders too have been filed to the first respondent.

3. Mr.A.Zakir Hussain, learned Government Advocate enters appearance for the respondents.

4. Admittedly, the award has been passed by the first respondent, District Collector, Kancheepuram on 03.12.2012 under Section 8(1) of the aforesaid Act. Any person aggrieved by the decision of the Collector or the authority who passed the award may within 60 days from the date of such decision, may make an application to the Collector or the authority who passed the award for referring the matter to the Court concerned as if the award was passed under the provisions of the Land Acquisition Act, 1894. The representation has been made on 10.01.2013, which is well within the period of limitation prescribed. But it appears that it has been erroneously addressed to the second respondent when it ought to have been addressed to the first respondent. However, the intention of the petitioner to challenge the said award is made patent and evident by the said representation. The petitioner shall not be penalised for such mistaken understanding of law.

5. This Court, therefore directs the second respondent that the representation/application of the petitioner dated 10.01.2013, be treated as an application filed under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, before the first respondent and the same is directed to be referred to the concerned Court within four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ds

To:

1.The District Collector
Kancheepuram District
Kancheepuram.

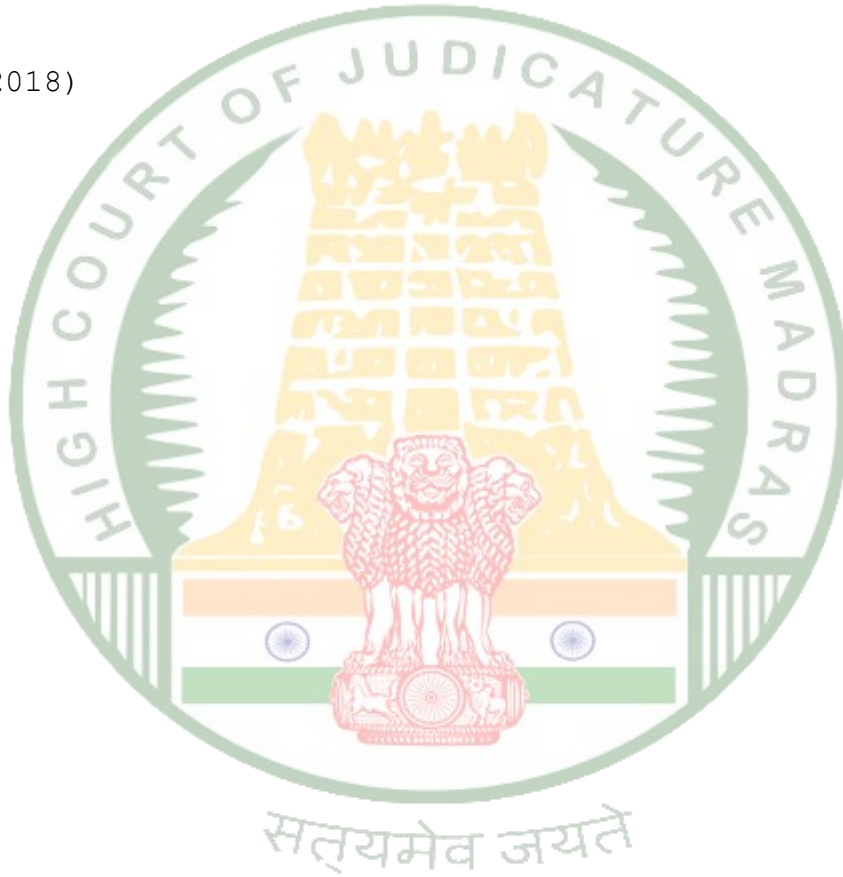
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2.The Special Tahsildar (Land Acquisition)
Unit III, Chennai Airport Expansion Scheme,
No.27/15, Pattanool Chattiram
Sriperumbudur - 602 105.
Kancheepuram District.

+1cc to the Government Pleader, S.R.No. 89946
+1cc to Mr.BIJAI SUNDAR Advocate, S.R.No. 89637

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SV(CO)
TR(12/01/2018)



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