

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.23755 of 2015

S.Chellamy

... Petitioner

-Vs-

1. The District Collector
Office of the District Collector of Thiruvallur
Thiruvallur.
2. The Revenue Divisional Officer - Ambattur
Office of the RDO
Ambattur.
3. Competent Officer and
Special District Revenue Officer (L.A)
National Highways Authority of India
(Kancheepuram & Thiruvallur District)
Camp Office - Poonamallee. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider and decide the petitioner's representation dated 28.06.2015 submitted to the first respondent.

For Petitioner : Mr.S.Saravanan
For Respondents : Mr.A.Zakir Hussain
Government Advocate

सत्यमेव जयते
ORDER

This present writ petition is filed for an issuance of Writ of Mandamus directing the respondents, more particularly the first respondent to consider his representation dated 28.06.2015 in the matter of issuance of compensation due to the petitioner.

2. As per the affidavit filed in support of the petition, according to the petitioner, he is entitled to an extent of 1850 sq.ft. of land in Old Survey No.54 and New Survey No.791/5, Plot No.13 in Koratur Village, Ambattur Taluk. This was acquired for widening the National Highways and for providing service roads etc., According to the petitioner, necessary award has also been passed, but with a rider that the compensation amount as

per the communication of the third respondent 08.01.2014, has to be disbursed to the petitioner by two agencies. Out of 1850 sq.ft., for an extent of 36 sq.mtr., the proportionate compensation amount should be obtained from the Revenue Divisional Officer, Ambattur [the second respondent herein], and for an extent of 23 sq.mtr., the compensation amount is again has to be obtained from the second respondent herein. For an extent of 100 sq.mtr., the compensation has to be paid by the National Highways Authority.

2.1. The learned counsel for the petitioner submitted that the National Highways Authority has already discharged its obligation when it paid the petitioner the compensation payable for 100 sq.mtr. On 07.03.2014. It is for obtaining the compensation for the remaining extent of 36 sq.mtr., + 23 sq.mtr., a representation dated 28.06.2015 was submitted by the petitioner to the first respondent.

3. Mr. A. Zakir Hussain, learned Government Advocate appears for the respondents. No counter has been filed. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4. It is apparent on a plain reading of the communication of the third respondent dated 08.01.2014, a copy of which finds a place at Page No.6 of the typed set of papers filed by the petitioner that the compensation for an extent of 36 sq.mtr. and also for an another extent of 23 sq.mtr., both falling within the 1850 sq.ft. of petitioner's land comprised in Survey No.791/5, R.S.No.107/3 of Koratur Village, Ambattur Taluk, Tiruvallur District, have to be paid by the respondents/Land Acquisition Authorities. The learned counsel for the petitioner also added that the possession of the land acquired, has already been taken by the authorities. Inasmuch as possession has been taken, it is not appropriate for the respondent to delay or deny the petitioner of the compensation that he is justly entitled to.

5. Therefore, this Court directs the first respondent to consider the representation of the petitioner dated 28.06.2015 and take such appropriate steps as are necessary to ensure the balance compensation amount payable to the petitioner is actually paid, within eight weeks from the date of receipt of a copy of this order. The learned Government Advocate is directed to file a compliance report of this order thereon, before 13.02.2018.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1. The District Collector
Office of the District Collector of Thiruvallur
Thiruvallur.
2. The Revenue Divisional Officer - Ambattur
Office of the RDO
Ambattur.
3. Competent Officer and
Special District Revenue Officer (L.A)
National Highways Authority of India
(Kancheepuram & Thiruvallur District)
Camp Office - Poonamallee.
4. The Section officer
Writ Section
High Court, Madras.

(To post the matter on 13.02.2018 under the caption "For Reporting compliance")

+1 Cc to Govt. Pleader sr 89063

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RK(CO)
SP(04/01/2018)