

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.18247 of 2014

P.Govindasamy

... Petitioner

vs.

1. Secretary to Government
Public Works Department,
Secretariat,
Fort St. George,
Chennai - 9.
 2. District Collector
Vellore District,
Vellore.
 3. The Sub Collector / Revenue Divisional Officer
Krishnagiri,
Krishnagiri District.
 4. The Sub Collector / Revenue Divisional Officer
Thiruppathur,
Vellore District.
 5. Tahsildar
Tirupattur Taluk,
Vellore District.
 6. Executive Engineer
Public Works Department
(Water Resources Organisation),
Melpennaiyar River Basin Division,
Dharmapuri.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay compensation for having acquired the petitioner's land measuring 0.16.0 hectares for the purpose of constructing check-dam across Bargur River in Survey No.52/3, Naravinthampatty Village, Natham Taluk, Thirupattur Taluk, Vellore District.

For Petitioner : Mr.A.S.Balaji
For Respondents : Mr.M.E.Raniselvam
Additional Government Pleader
(For RR1 to 6)

O R D E R

The petitioner filed the present writ petition, inter alia alleging that despite his land having taken over decades ago, the compensation has not been paid to him.

2. Despite the matter pending for nearly three years, no counter affidavit has been filed by the respondents.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

4. From the records it is seen that on receipt of the petitioner's request, the respondent No.2 has sent a communication in letter No.O.MU(D1)/34382/2010 dated 25.08.2010, directing the respondent No.4 to conduct an enquiry by the proceedings in Na.Ka.A1.5717/2010 dated 23.09.2010. The respondent No.4 called upon the petitioner to attend the enquiry on 04.10.2010. A subsequent communication on the similar line was also sent on 12.11.2010. Though the petitioner has appeared before the fourth respondent on 22.11.2010 and given his written request, nothing transpired thereafter.

5. The petitioner send a representation to the District Revenue Officer, Krishnagiri District on 19.11.2010. By proceedings dated 25.01.2011, the Executive Engineer, Water Resource Organisation, Vellore, the petitioner's request was rejected giving direction to the petitioner to meet the Executive Engineer, Dharmapuri viz., respondent No.6. Once again the petitioner made a representation. The respondent No.2 once again asked the respondent No.5 to look into the matter as seen from the proceedings dated 25.02.2011. The petitioner made another representation on 22.06.2011 to respondent No.4. The respondent No.6 has informed the petitioner that the matter has been referred to the respondent No.5 for preparation of the land plan schedule.

6. By the Memo dated 04.10.2011 the respondent No.4 directed the respondent No.5 to take appropriate action. This was once again followed by the representation of the petitioner dated 09.12.2011 to the respondent No.6. He sent another

representation to the respondent No.5 on 23.07.2012. On a query raised by the petitioner under the Right to Information Act, the Public Works Department informed the petitioner to approach the respondent No.2.

7. From the above it is clear that the petitioner has been driven from pillar to post, despite his land having been acquired decades ago. A notification under section 4 (1) of the Land Acquisition Act, 1894, was issued to the petitioner in the year 1994. The petitioner is now aged about 75 years.

8. The above facts would clearly show the lack of governance and official apathy. There is no point in tossing the petitioner's request from one table to another. The responsibility lies with the respondent No.2. Therefore, the respondent No.6 has to take necessary steps either by himself or in co-ordination with others. In such view of the matter, this Court is inclined to direct the respondent No.2 to see to it that the due compensation to the petitioner is paid within a period of eight weeks from the date of receipt of a copy of this order as per law. Writ petition stands ordered accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

raa/jer

Sub Assistant Registrar

To

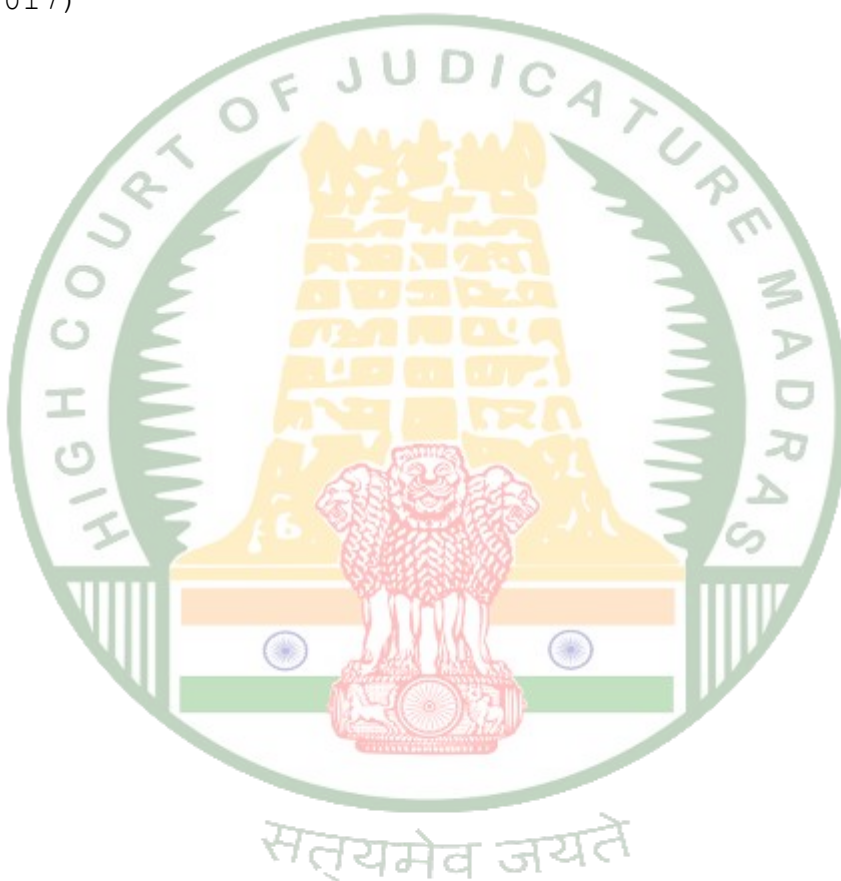
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+1cc to Mr.A.S.Baalaji, Advocate, S.R.No.41736
+1cc to the Government Pleader, S.R.No.42107

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KK(CO)
RS(23/06/2017)



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