



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.10.2017
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.19054 of 2017 and

W.M.P.(MD) No.15412 of 2017

Dr. William Jebes Bensam

... Petitioner

-vs-

1. The Commissioner,
Town and Country Planning,
Kanyakumari District.
2. The Deputy Director,
Town and Country Planning,
Kanyakumari Division,
Tirunelveli.
3. The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.
4. The Member Secretary,
Locan Town Planning Officer,
raman Pillai Street,
Nagercoil, Kanyakumari District.
5. The Municipal Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation and not evict him or demolish his building situated in his Patta lands in S.No.A1/43-12, Asirvatham Nagar Colony, Vadasery Village, Nagercoil, Kanyakumari District without acquiring his land as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner
For R1 to R4

: Mr.T.Lajapathi Roy
: Mr.M.Alaguthevan
Spl. Govt. Pleader
: Mr.P.Athimoolapandian

**ORDER**

This writ petition has been filed, seeking a direction to the respondents to consider the petitioner's representation and not evict him or demolish his building situated in his Patta lands in S.No.A1/43-12, Asirvatham Nagar Colony, Vadasery Village, Nagercoil, Kanyakumari District without acquiring his land as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Heard the learned counsel for the parties. By consent on either side, the writ petition itself is taken up for final disposal at the admission stage.

3. The case of the petitioner is that on one fine morning, he was prevented by R4 and R5 from constructing a building in his own land stating that the said land is going to be acquired for Public Scheme Road and they are now trying to evict him and demolish the building without considering his objection and without following any procedures as adumbrated under the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In this regard, the petitioner has submitted a representation dated 07.10.2017 to the respondents 1 to 5 seeking not to demolish the building and since the same has not been considered so far, the petitioner is before this Court with the above prayer.

4. The learned Special Government Pleader would submit that the 2nd respondent is the competent person to consider the request of the petitioner and if a reasonable time is granted to the 2nd respondent, the representation of the petitioner will be considered and suitable orders passed.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner dated 07.10.2017 and pass appropriate orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/



To

1. The Commissioner,
Town and Country Planning,
Kanyakumari District.
2. The Deputy Director,
Town and Country Planning,
Kanyakumari Division,
Tirunelveli.
3. The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.
4. The Member Secretary,
Locan Town Planning Officer,
raman Pillai Street,
Nagercoil, Kanyakumari District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.82810
+ 1 CC TO MR.T.Lajapathi Roy , ADVOCATE IN SR No.82858
ar
MK/SV MMS/SAR-2/26.10.2017/3P/7C

W.P (MD) No.19054 of 2017
12.10.2017