

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.10006 of 2018

S.Saraswathi

..Petitioner

Vs

1.The Collector,
Thiruvallur District - 602 001.

2.The District Revenue Officer,
Thiruvallur District - 602 001.

3.The Special Tahsildar,
(Land Acquisition),
Krishna Water Supply Project Unit -III,
Thiruvallur - 602 001.

4.The Chief Engineer,
Public Works Department,
Krishna Water Supply Project,
Chepuak, Chennai - 5.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of writ of mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 01.03.2018 in regard to pay the arrears of enhanced compensation amount at the rate of Rs.2,500/- per cent to the petitioner with interest after adjusting the amount already been paid by taking into consideration of the order dated 28.9.2004 made in Civil Appeal Nos. 3239 - 3297 by the Hon'ble Supreme Court.

For Petitioner : Mr.Ramdass

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

Mr.D.Raja, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The petitioner has come forward with the present Writ Petition seeking issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on her representation, dated 01.03.2018.

3. The case of the petitioner is that she was the original owner of the land measuring an extent of 4 acres and 23 cents in various survey numbers situated at Thanneerkulam Village, Thiruvallur District. The respondents acquired the said land by issuance of a notification dated 02.07.1983. The third respondent - Land Acquisition Officer has fixed compensation at the rate of Rupees two hundred per cent. The petitioner not satisfied with the amount of compensation fixed by the Land Acquisition Officer, sought reference under Section 18 of the Land Acquisition Act and the learned Sub Judge, Tiruvallur in LAOP.No.293 of 1991, enhanced the compensation at the rate of Rs.4,500/- per cent.

4. The learned counsel for the petitioner would submit that challenging the order of the learned Sub Judge, Tiruvallur, the respondents have preferred an Appeal before this Court in A.S.No.614 of 1993. This Court by an order dated 01.07.1999, reduced the compensation amount from Rs.4,500/- to Rs.2,000/- per cent. As against the judgment, some of the land owners preferred an appeal before the Hon'ble Supreme Court in Civil Appeal Nos.3239 to 3297 of 1999, by an order dated 28.09.2004, the compensation was enhanced to Rs.2,500/- per cent.

5. The learned counsel for the petitioner further submitted that as per the decision of the Hon'ble Supreme Court reported in (2017) 9 SCC 426, the petitioner is entitled to the enhanced compensation at the rate of Rs.2,500/- per cent. Hence, the petitioner gave a representation to the respondents on 01.03.2018, to pay the enhanced compensation. Since, the same was not considered, the present writ petition.

6. The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner would be considered in accordance with law.

7. Considering the above facts and the submissions of the learned counsel on either side, this Court, without going into the merits of the case, directs the third respondent to consider

the representation of the petitioner dated 01.3.2018, as per the decision of the Hon'ble Supreme Court cited supra, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all the necessary parties.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Collector,
Thiruvallur District - 602 001.
- 2.The District Revenue Officer,
Thiruvallur District - 602 001.
- 3.The Special Tahsildar,
(Land Acquisition),
Krishna Water Supply Project Unit -III,
Thiruvallur - 602 001.
- 4.The Chief Engineer,
Public Works Department,
Krishna Water Supply Project,
Chepuak, Chennai - 5.

+1cc to Mr.Ramdass, Advocate, S.R.No.29906
+1cc to the Government Pleader, S.R.No.32727

W.P No.10006 of 2018

RJ(CO)
CS/08/06/18

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