

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.5005 of 2018
and WMP.Nos.6190 and 8268 of 2018

M.Perumal Alias Perumal Naidu ..Petitioner

Vs

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The Competent Authority/Special District
Revenue Officer (Land Acquisition)
National Highways No.205,
No.3 & 4, Lal Bahadur Shastri Street,
Periyakuppam Railway Station,
Tiruvallur - 602 001.
3. The Project Director,
National Highways Authority of India
(PIU - Chennai),
Sri Tower, 3rd Floor, DP-34(SP),
Industrial Estate, Guindy,
Chennai - 600 032.
Thiruvallur.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 2nd respondent herein to refer the dispute relating to payment of compensation and enhanced compensation in respect of land acquired for widening of NH 205 scheme to the extent of Acres 0.53 cents or 2145 Square Meters covered under patta No.218 in the name of Lakshmiammal, comprised in S.No.199/2A of Vedanginallur Village (Tiruvallur A), Tiruvallur Taluk & District, to the decision of the principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated, as contemplated under section 3H(4) of the National Highways Act, 1956,

For Petitioner : Mr.B.Parthasarathy

For Respondents : Mr.D.Raja

Additional Government Pleader
for R1 & R2

: Mrs.S.R.Sumathy

Standing Counsel for R3

ORDER

Heard the learned Counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the third respondent and perused materials available on record.

2. The petitioner has come forward with this writ petition seeking direction to the second respondent to refer the matter relating to payment of compensation and enhanced compensation in respect of the land acquired for widening of NH 205 scheme to an extent of 53 cents.

3. According to the petitioner, his mother late Mrs. Lakshmi Ammal was the owner of the land to an extent of 53 cents covered under Patta No. 218 in Survey No. 199/2A of Vedanginallur Village in Tirupattur Taluk, and she died on 10.05.1972, leaving behind the petitioner and his sisters and brothers as legal heirs.

4. The petitioner would further state that the said land was acquired by the respondents and an award was passed, but the award amount was also disbursed to one Subramani and P. Vijaya, who have no right over the property.

5. The learned counsel for the petitioner submitted that the compensation was enhanced by the first respondent and in which also the persons, who do not have any right over the property making claim, hence the petitioner issued a notice dated 22.01.2018 to the respondents to immediately stop the disbursement of the enhanced compensation.

6. The learned counsel further submitted that when the second respondent conducted an enquiry, the petitioner submitted a representation to refer the dispute to the decision of the Civil Court. Since no favourable reply, the present writ petition has been filed.

7. The learned Standing Counsel for the respondents submitted that though the petitioner is said to have given representation to the second respondent seeking reference to the Civil Court, but no proof has been filed and if a fresh representation is given by the petitioner, it would be considered by the second respondent in accordance with law.

8. In the light of the above submissions of the learned counsels on either side and also considering the facts of the case, this Court, without going into the merits of the case, directs the petitioner to give a proper representation to the second respondent within a period of two weeks. On such compliance, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after providing an opportunity of personal hearing to the necessary parties, within a period of eight weeks therefrom.

9.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The District Collector,
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Tiruvallur.
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National Highways Authority of India (PIU - Chennai),
Sri Tower, 3rd Floor, DP-34(SP),
Industrial Estate, Guindy, Chennai - 600 032.
Thiruvallur.
- + 2 ccs to Mr.B.Parthasarathy, AdvocateSr.36450
+ 1 cc to M/s. S.R. Sumathy, Advocate Sr.36654
+ 1 cc to Government Pleader Sr.37007

सत्यमेव जयते

W.P.No.5005 of 2018

CA(CO)
EU(26/06/2018)

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