

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 11766 of 2012

T.Rajagopal

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development,
Fort St, George,
Chennai-600 009.
2. The Tamil Nadu Housing Board,
rep. by its Managing Director,
No.493, Anna Salai, Nandanam,
Chennai-600 035.
3. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board
(Salem Division),
Salem - 636 008.
4. The Special Tahsildar (L.A.),
Neighbourhood Scheme,
Tamil Nadu Housing Board
Office Complex,
Salem-636 008.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Certiorarified Mandamus calling for the records from the 3rd respondent relating to the impugned order bearing No.NI.A-1/17097/82, dated 22.06.2011 and quash the same and direct the 4th respondent to enhance the award amount dated 24.05.1988 bearing No.3/1988 and pay the same with 15% interest from the date of original award within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Arulmozhi
For Respondents : Mr.D.Raja,
Addl. Government Pleader
for R1

: Mr.R.V.Babu,
Standing Counsel for R2 & R3

O R D E R

This writ petition has been filed challenging the order passed by the authorities rejecting the application filed by the petitioner under Sec.48B of the Land Acquisition Act.

2. Pending Writ Petition, the petitioner has filed an application to amend the prayer seeking for enhancement of the award amount under Sec. 28A of the Land Acquisition Act.

3. The case of the petitioner is that the petitioner's lands were acquired in the year 1988, and an award was also passed in the same year. The compensation amount was deposited under Sec.30 and 31 of the Land Acquisition Act (hereinafter called as "Act") before the Sub-Court, Sankari. However, a notice under Sec.12(2) of the Act was not served on the petitioner.

4. Thereafter, some of the neighbouring landowners, whose lands were acquired in the same notification, filed application under Sec.18(1) of the Act seeking for enhancement of compensation, subsequently, the award amount has been enhanced by the reference Court in L.A.O.P.Nos.15/90 etc. Thereafter, the petitioner also filed application under Sec.28A of the Act, seeking for enhancement of award before the 4th respondent, but the 4th respondent has not passed any order.

5. In the meantime, the respondents challenged the order of enhancement of compensation before this Court in A.S.No.979 of 2003 etc. and this Court by an order dated 12.08.2009 dismissed all the appeals and confirmed the order of enhancement of compensation granted by the Reference Court. Pending his application under Sec.28A of the Act, the petitioner has also filed application under Sec.48B, of the Act seeking for reconveyance, which was rejected. Challenging the said order, the present Writ Petition has been filed.

6. Now, pending Writ Petition, the petitioner sought to amend the prayer for considering his application filed under Sec.28(A) of the Act, which was also allowed.

7. Considering the limited prayer sought for, and also the fact that the application of the petitioner is still pending with the 4th respondent, without going into the merits of the case, the 4th respondent is directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner within a period of twelve weeks from the date of receipt of the copy of this order.

8. In the result, this Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government
State of Tamil Nadu,
Housing and Urban Development,
Fort St, George,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai-600 035.

3. The Executive Engineer and
Administrative Officer,
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(Salem Division),
Salem - 636 008.

4. The Special Tahsildar (L.A.),
Neighbourhood Scheme,
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Office Complex,
Salem-636 008.

+lcc to M/S.A.Arulmozhi, Advocate Sr.74192
+lcc to the Government Pleader Sr.74899

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