

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10230 of 2018

P.Hamsa

..Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Energy Department,
Fort St.George,
Chennai - 600 009.
 2. The District Collector,
Kancheepuram District,
Govt of Tamil Nadu,
Kancheepuram.
 3. The Special Tahsildar (LA),
Cheyyur Ultra Mega Power Project,
Cheyyur Taluk,
Kancheepuram District.
- ..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 01.03.2018 and to pass an appropriate orders within the stipulated time and thereby pay the compensation with interest or re-conveying the land to the petitioner for the land acquired in Survey Numbers 163/6, 171/8, 171/9, situated in Thaneer Panthal Village, No.54, Sitharkadu Madura, Cheyyur Taluk, Kancheepuram District, under Sub Section (2) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997.

For Petitioner : Mr.M.Senthil Vadivu

For Respondents : Mr.D.Raja
Additional Government Pleader

ORDER

Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused materials available on record.

2. The prayer sought for in this writ petition for issuance of a writ of mandamus to direct the respondents to consider the representation of the petitioner dated 01.03.2018 and pass appropriate orders within the stipulated time.

3. The case of the petitioner is that she is the absolute owner of the agricultural land measuring an extent of 1.06 acres in Survey Nos.163/6, 171/8, 171/9 in Thaneer Panthal Village, Cheyyur Taluk, by virtue of a registered sale deed dated 31.07.2003, as such she has been in possession and enjoyment of the same.

4. The petitioner would state that the third respondent initiated land acquisition proceedings for setting up Ultra Mega Power Project in Cheyyur and the land of the petitioner was acquired. During the enquiry proceedings, the petitioner did not have any objection for acquisition of the land. Subsequently, there was no communication from the respondents and hence, the petitioner made representation to the second and third respondents on 01.03.2018 requesting them either to pay the compensation amount or re-convey the land. Since, no favourable order, she has come up with the present writ petition.

5. The learned counsel for the petitioner submitted that even though the land acquisition proceedings were initiated in the year 2010, the petitioner and her husband have been in continuous possession and enjoyment of the property and the land was not used for the purpose, for which it was sought to be acquired. It is further submitted that the acquisition proceedings have been dropped by the respondents and there is no response for the representation sent by the petitioner.

6. The learned Additional Government Pleader fairly submitted that the acquisition proceedings have been dropped and the first respondent is ready to pass appropriate orders however no representation was made to the first respondent so far.

7. In the light of the above submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the first respondent within a period of two weeks. On such compliance, the first respondent shall pass appropriate orders on the same on merits and in accordance with law, within a period of eight weeks therefrom.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msrm
To

1. The Principal Secretary,
State of Tamil Nadu,
Energy Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Govt of Tamil Nadu,
Kancheepuram.
3. The Special Tahsildar (LA),
Cheyyur Ultra Mega Power Project,
Cheyyur Taluk,
Kancheepuram District.

+ 1 cc to Government Pleader Sr.37006
+ 1 cc to Mr.M.Senthilvadivu, Advocate Sr.6841

सत्यमेव जयते

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

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