

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018
CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.7437 of 2018
& W.M.P.No.9237 of 2018

Ambika

... Petitioner

v.

1. The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Competent Authority /
The Special District Revenue Officer (L.A.),
National Highways Authority,
Kancheepuram & Tiruvallur Districts,
Kancheepuram.

3. The Project Director,
National Highways Authority, NH-5,
Project Implementation Unit - Chennai,
Sri Towers, 3rd Floor, DP34 (SP) Industrial Estate,
Chennai - 600 032.

4. N.Raman

5. N.Madhavan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to consider the representation of the petitioner, dated 22.01.2018 and to refer the matter for apportionment of compensation payable on the petitioner property, being agricultural nanja lands, comprised in Survey No.425/1A1, measuring an extent of Acre 0.12 ½ Cents (i.e.) 500 square metre and Survey No.428/2B, measuring an extent of 6 cents (i.e.) 242 square metre, both situate at Kizhamudalambedu-2 Village, Gummidipoondi Taluk, Tiruvallur District to the District Court, Tiruvallur as per Section 3H of the National Highways Act, 1956.

For Petitioner : Mr..R.Munuswamy

For Respondent : Mr.Akhil Akbar Ali (for RR1 & 2)
Mrs.S.R.Sumathy (for R3)
Mr.M.Anandaraaj (for R4)
No Appearance (for R5)

ORDER

Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 & 2 and the learned counsels appearing for the respondents 3 & 4. Despite the name of the 5th respondent being printed in cause list, none represents.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the representation of the petitioner, dated 22.01.2018 and to refer the matter to appropriate Court for disbursement of compensation.

3. The case of the petitioner is that the petitioner and the respondents 4 and 5 are sister and brothers and she is having a share in the land acquired by the respondents. It is further submitted that the suit filed for partition by the petitioner in O.S.No.129 of 2016 is pending before the Principal District and Sessions Judge, Thiruvallur.

4. The learned counsel for the petitioner submitted that the 2nd respondent has already passed an award and the petitioner's representation to refer the matter to the competent Civil Court under Section 3 (H) of the National Highways Act, was not considered. Hence the present Writ Petition.

5. The learned counsel for the respondents submitted that if there is any dispute with regard to the disbursement of the compensation, the official respondents would refer the matter to the Civil Court for adjudication.

6. In the light of the above submissions and the prayer sought for in the Writ Petition, this Court, without going into the merits of the case, directs the second respondent to consider and pass appropriate orders on the representation of the petitioner dated 22.01.2018, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the necessary parties.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

pvs

To

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Competent Authority /
The Special District Revenue Officer (L.A.),
National Highways Authority,
Kancheepuram & Tiruvallur Districts,
Kancheepuram.

3.The Project Director,
National Highways Authority, NH-5,
Project Implementation Unit - Chennai,
Sri Towers, 3rd Floor, DP34 (SP) Industrial Estate,
Chennai - 600 032.

+1cc to M/s.S.R.Sumathy, Advocate, sr.no.28735

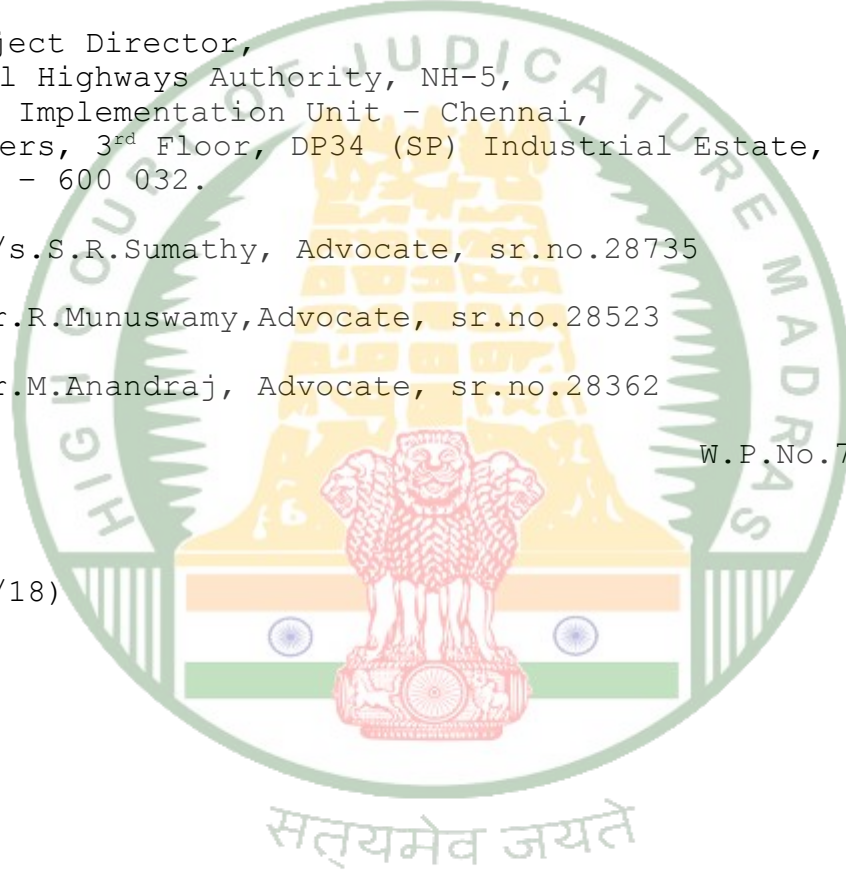
+1cc to Mr.R.Munuswamy, Advocate, sr.no.28523

+1cc to Mr.M.Anandraj, Advocate, sr.no.28362

W.P.No.7437 of 2018

SG (CO)

RRK (28/05/18)



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