

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.6438 to 6442 of 2018

A.Durai	...Petitioner in W.P.No.6438 of 2018
P.Anbazhagan	...Petitioner in W.P.No.6439 of 2018
John Philip	...Petitioner in W.P.No.6440 of 2018
Dharman	...Petitioner in W.P.No.6441 of 2018
Thomas	...Petitioner in W.P.No.6442 of 2018

Vs.

The District Collector,
Land Acquisition Officer,
Collectorate,
Kancheepuram District. ...Respondent in all the petitions

PRAYER in all the petitions: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to dispose of the petitioners' appeal dated 23.12.2011 and representations dated 16.11.2016 and thereby direct the respondent to send the petitioners' appeal to the competent Court for adjudicate the correct compensation and that of the order passed in W.P.No.29599 of 2017, dated 05.02.2018.

For Petitioner : M/s.A.R.Nixon
(in all the petitions)

For Respondent : Mr.A.Perumal, G.A.
(in all the petitions)

COMMON ORDER

Mr.A.Perumal, learned Government Advocate, takes notice on behalf of the respondent. By consent of the learned counsel appearing for the parties, the Writ Petitions themselves are taken up for final hearing.

2. The petitioners have come up with the present Writ Petitions seeking to issue Writs of Mandamus to direct the

respondent to dispose of the petitioners' appeals and representations and thereby direct the respondent to send the petitioners' appeal to the competent Court for adjudication.

3. The case of the petitioners is that they are the absolute owners of the lands in question, which were acquired by the respondent for formation of IT Corridor Expressway, by widening the existing road into six lane.

4. The petitioners would state that the respondent conducted enquiry under Sections 19 (5) and 19(7) of the Tamil Nadu Highways Act to ascertain the ownership of the land, but without conducting any enquiry and providing opportunity to the petitioners, fixed the quantum and passed the award on 15.09.2011.

5. The petitioners would further state that they sent representations under Section 20 (1) of the said Act requesting the respondent to send the papers to the Land Acquisition Court. Since no action was taken, reminders were sent. Despite the same, the matter was not referred. Hence, the present Writ Petitions.

6. The learned counsel for the petitioners submitted that in similar circumstances, this Court in W.P.No.29599 of 2017 dated 05.02.2018 issued positive direction to the respondent to refer the matter to the Land Acquisition Court and prayed to follow the earlier order.

7. In the light of the prayer sought for in the Writ Petitions and the submissions of the learned counsels made on either side, this Court, without going into the merits of the case, directs the respondent to consider the respective representations of the petitioners, on merits and pass orders in the light of the order dated 05.02.2018, made in W.P.No.29599 of 2017, within a period of eight weeks from the date of receipt of a copy of the order. Accordingly, the Writ Petitions are allowed. No costs.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

pvs

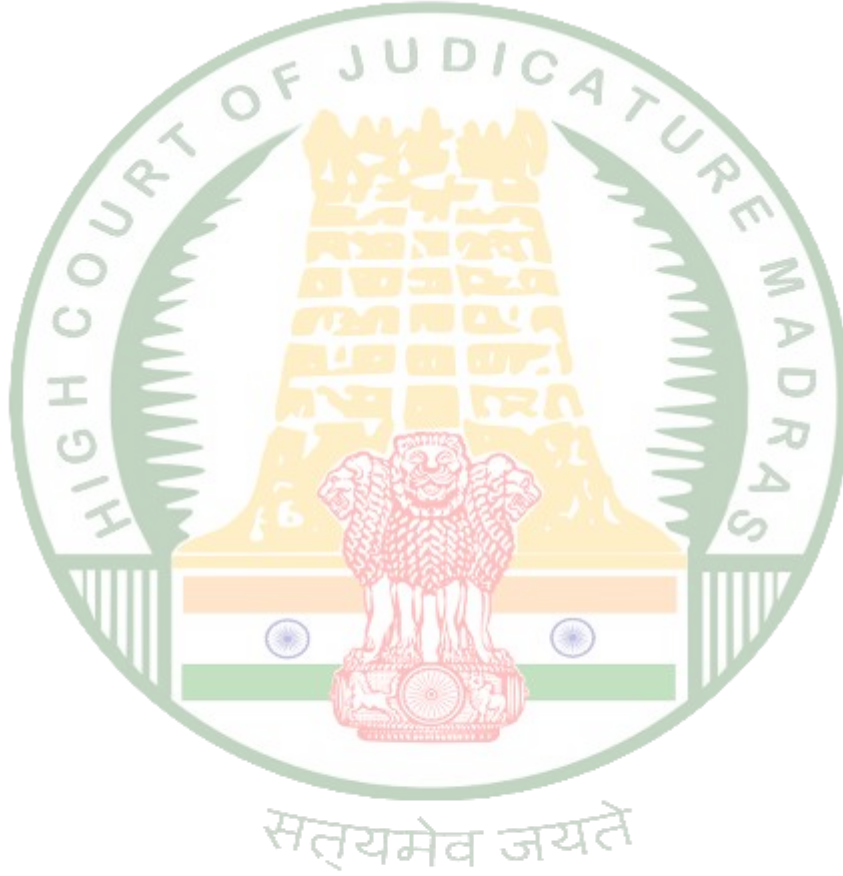
To

The District Collector,
Land Acquisition Officer,
Collectorate,
Kancheepuram District.

+5cc to Mr.A.R.Nixon, Advocate SR.No.25133 to 25136

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GJII(CO)
GN(04/05/2018)



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