

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.02.2018

CORAM

THE HON'BLE MR.JUSTICE N. SESHASAYEE

W.P.No.3591 of 2018

Sri Sakthi Cold Storage (P) Limited,
Rep.by its Managing Director,
R.Sudharasanan,
No.33, First Main Road,
Thirumalai Nagar Annexe,
Perungudi, Chennai 96. ... Petitioner

Vs.

- 1.The Land Acquisition Officer and
District Collector
Kancheepuram District,
Kancheepuram 631 501.
- 2.The Special Thasildhar,
Land Acquisition,
IT Express way Scheme,
Tambaram, Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider and decide the application made by the petitioner on 13.07.2017 under Section 28 A of the Land Acquisition Act, in the light of the order passed in L.A.O.P.No.8/2016 dated 19.01.2017 under Section 18 of the Land Acquisition Act.

For Petitioner : Mr.V.Manoharan

For Respondents: Mr.M.Karthikeyan

Additional Government Pleader

ORDER

The case of the petitioner is that the petitioner's property comprised in Survey No.50/2, measuring an extent of 45 cents in Egattur Village, Chengalpattu Taluk, Kancheepuram District, was acquired under the provisions of Land Acquisition Act, 1894. An award passed on 30.08.2011 wherein, the compensation was determined and a sum of Rs.8,073/- was fixed per sq.mtr. One of the land owner, where lands were also acquired namely, Mr.A.Jenasenan has moved the Collector to refer the matter to

the concerned Sub Court, seeking enhancement of compensation. The said matter, on reference was taken on file in LAOP.No.8/2016 by the Sub Court, Chengalpattu, and it passed an award on 19.01.2017, as per which the market value of the lands were enhanced from Rs.8703/- per sq.mtr. to Rs.29,417/- per sq.mtr. The petitioner came to know about the order passed in that case during last week of July 2017 whereupon, he approached the Collector with his representation dated 11.07.2017, seeking parity in the matter for payment of compensation under Section 28-A of the Land Acquisition Act. This representation is still pending consideration and aggrieved by the same, the petitioner has come forward with the present petition for issuance of Writ of Mandamus, to direct the Collector to consider his representation.

2. If the date of the representation is reckoned from the date of passing the award dated 19.01.2017, the representation seeking to grant the benefit under Section 28 A of the Land Acquisition Act might be beyond the stipulated time. However, the time taken for obtaining the certified copy has to be excluded. However, according to the petitioner it has come to know about the award passed in LAOP.No.8/2016, dated 19.01.2017 only in the last week of June '2017 and therefore, the petition seeking parity in payment of compensation in terms of Sec.28-A of the Land Acquisition Act, 1894 is well within the time. Even, otherwise the delay, if any, from the date of award is negligible.

3. The Collector is therefore directed to consider the representation of the petitioner dated 13.07.2017, and dispose of the same in accordance with Section 28-A of the Land Acquisition Act, provided the material particulars stated therein are correct to the satisfaction of the Collector.

4. Accordingly, the Writ Petition is allowed, and the first respondent is directed to decide on the representation of the petitioner dated 13.07.2017 invoking Sec.28-A of the Land Acquisition Act, 1894, within six weeks from the date of receipt of copy of this Order. No costs.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna

To

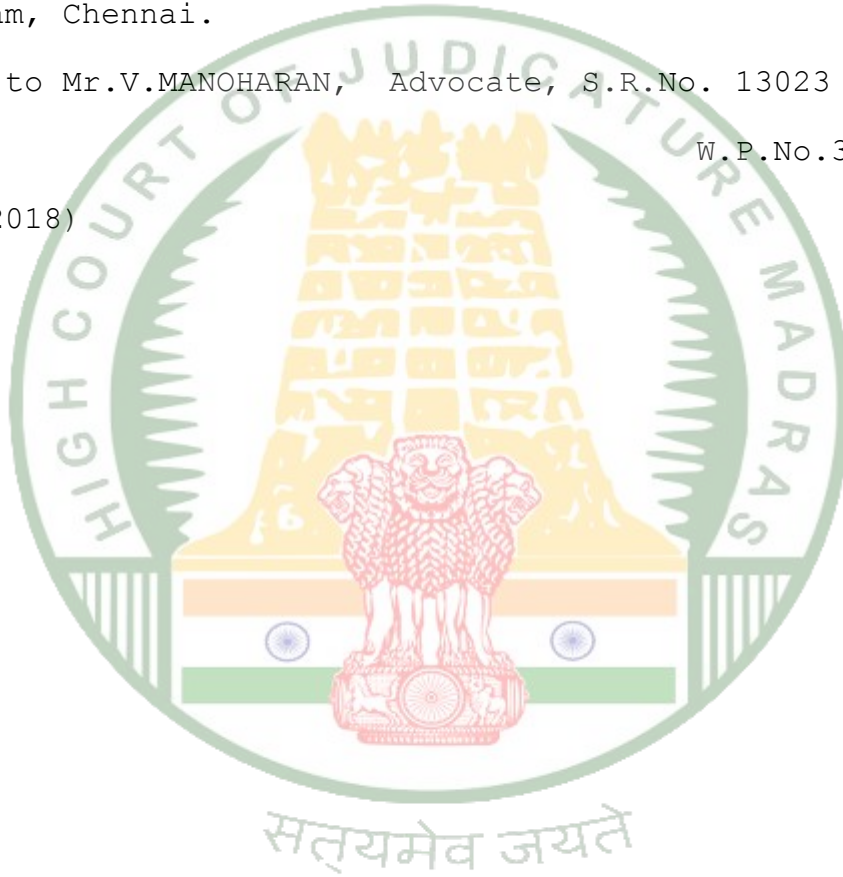
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+1cc to Mr.V.MANOCHARAN, Advocate, S.R.No. 13023

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TR(20/03/2018)



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