

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9474 of 2018

A.Alagesan

... Petitioner

v.

1. The District Collector,
Kanchipuram District,
Collectorate Campus,
Kanchipuram.

2.The Special Thasildar, (Land Acquisition Officer-
Outer Kanchipuram Bye pass Road),
Taluk Office, Kanchipuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's objection letter dated 14.11.2011 given to the 1st respondent for reference to the Civil Court for enhancement of compensation under Section 20 of the Tamil Nadu Highways Act, 2001.

For Petitioner : M/s.Jyothish Chander

For Respondents : Mr.Akhil Akbar Ali, G.A.

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice on behalf of the respondents. By consent of the learned counsel for the parties, the Writ Petition itself is taken up for final hearing at the admission stage itself.

2. This Writ Petition has been filed for a direction to the 1st respondent to consider the petitioner's objection letter dated 14.11.2011 for reference to the Civil Court for enhancement of compensation under Section 20 of the Tamil Nadu Highways Act, 2001.

3. The case of the petitioner is that he was the absolute owner of the land measuring an extent of 4,640 sq.mts. in Survey No.404/1A2 in Putheri Village. The said land was acquired by

the respondent under Section 15 in the year 2009 and objection was called from the petitioner under Section 15 (2) of the said Act. Based on the notice, petitioner submitted the objection letter dated 14.11.2011. But without considering the same, the 1st respondent determined the compensation, vide his proceedings dated 28.06.2012.

4. The learned counsel for the petitioner submitted that though the award is said to have been passed in the year 2012, a copy of the order was not served on the petitioner, despite his representations dated 02.02.2018.

5. The learned counsel by placing reliance on the decision of the Division Bench of this Court in case of Government of Puducherry vs. Ramalingam, reported in 2008 (1) CTC 689, submitted that if any objection is given at the time of passing award, the respondent ought to have referred the matter to the Civil Court for determining appropriate compensation.

6. The learned Government Advocate appearing for the respondent submitted that the representation of the petitioner would be considered by the first respondent in accordance with law.

7. In the light of the above submissions and the facts of this case, this Court, without going into the merits of the case, directs the first respondent to consider the objection of the petitioner, dated 14.11.2011 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

pvs

WEB COPY

To

1.The District Collector,
Kanchipuram District,
Collectorate Campus,
Kanchipuram.

2.The Special Thasildar, (Land Acquisition Officer-
Outer Kanchipuram Bye pass Road),
Taluk Office, Kanchipuram.

+1cc to Mr.Y.Jyothish Chander, Advocate, sr.no.28714

+1cc to the Government Pleader, sr.no.30728

W.P.No.9474 of 2018

KAN (CO)

RRK (29/05/18)



WEB COPY