

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.9552 to 9558 & 10099 of 2018
W.M.P.Nos.11449 to 11455 and 12058 of 2018

1. K.Kothandam
2. SiriyapushpamPetitioners in W.P.No.9552 of 2018

1.T.Nataraj
2.T.PrakashPetitioners in WP.No.9553 of 2018

V.PalaniPetitioners in WP.No.9554 of 2018
S.M.Saleem SultanPetitioners in WP.No.9555 of 2018
M.ShantiPetitioners in WP.No.9556 of 2018
V.Murugesu ChettiarPetitioners in WP.No.9557 of 2018
T.ArumugamPetitioners in WP.No.9558 of 2018

1.Mrs.Taj Nisha
2.Mrs.Babi Nisha
3.Akbar
4.Mariambeebe ShahjahanPetitioner in WP.No.10099 of 2018

Vs.

1. The District Collector,
Collectorate Office, Kancheepuram District,
Kancheepuram.
2. The Special Thasilar,
Land Acquisition, IT Expressway Scheme,
Taluk Office Building, Tambaram,
Chennai 600 047.Respondents in all W.Ps

Common PRAYER in all W.P.No.9552 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to redetermine the compensation payable to the petitioner in respect of the land covered in S.No.91/6B, S.No.146/5B, 146/2B, 91/7A2B, and 91/1B2, 146/15, 146/4B, 146/6B and 146/13 and 146/14 respectively to an extent of 339 sq.meter, 297sq.meter, 256, 82 sq.meter and 94 sq.meter 267, 342, 204, 277 sq.meter 256 sq.meter respectively comprised in Egattur Village, Tiruporur Taluk & Kancheepuram District on the basis of the amount of

compensation awarded by the learned Subordinate Judge, Chengalpet, in LAOP No.8 of 2016 dated 19.01.2017 and to pay the said amount to the petitioner within a time frame as may be fixed by this Court.

For Petitioners : M/s.A.Jenasenan
(in all wps

For Respondents : Mr.Akhil Akbar Ali, G.A.
(in all wps

COMMON ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents and perused the materials available on record.

2. The case of the petitioners is that the respondent issued a notification under Section 15 (2) of the Tamil Nadu Highways Act, 2001, on 27.07.2008 to acquire the land of the petitioners. The petitioners did not raise any objection for acquisition of the land, and the District Collector / first respondent passed an award on 30.08.2011.

3. The further case of the petitioners is that they requested the Collector to refer the matter to the Civil Court under Section 20(1) of the Tamil Nadu Highways Act. Since there was no favourable reply, the petitioners filed W.P.No.10600 of 2014 seeking reference to the Civil Court. However, this Court rejected the request of the petitioners by an order dated 28.01.2016 and permit the petitioners to file remedy under Section 28 (A) of the Land Acquisition Act, 1894.

4. Mr.A.Jenasenan, learned counsel for the petitioners would submit that in respect of the other owners of the lands covered under the notification, the Additional Sub Court, Chengalpet in LAOP No.8 of 2016 has enhanced the compensation by a judgment and decree dated 19.01.217. Thereafter, the petitioners gave representations on 03.05.2017 and 08.07.2017, requesting the Collector to re-determine the compensation as per the judgment of the Civil Court. Since it was not disposed of, the present Writ Petition.

5. The learned counsel further submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioners.

6. Mr.Akhil Akbar Ali, learned Government Advocate submitted that the representations of the petitioners would be considered in accordance with law.

7. In the light of the above submissions and the prayer sought for in this Writ Petition, this Court, without going into the merits of the case, directs the first respondent to consider the representations of the petitioners dated 03.05.2017 and 08.07.2017 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 direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The District Collector
Collectorate Office Kancheepuram District
Kancheepuram

2.The Special Tahsildar
Land Acquisition, IT Expressway Scheme
Taluk Office Building Tambaram
Chennai 600 047

+2 ccs to Government Pleader sr 32785 & 32788

+2 ccs to Mr.A.Jenasenan Advocate sr 31586 & 31587

सत्यमेव जयते

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