

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2018
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P No.10680 of 2018

Vivekananda Royal Farms,
Represented by its Managing Partner
Having Office at
No.22, Rajaram Metha Nagar,
Aminjikarai, Chennai - 600 029.

..Petitioner

Vs

1.The District Revenue Officer,
(Land Acquisition),
Chennai Outer Ring Road,
CMDA, Koyambedu, Chennai - 600 107.

2.The Special Tahsildar (Land Acquisition),
Chennai Outer Ring Road (Phase I),
Poonamallee, Chennai - 600 056. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus, directing the respondents to refer the matter pertaining to the petitioner's lands in

Sl.No	Survey No.	Extent (in Sq.mtrs.)
1	18/3	160
2	19/1A4A2	2772
3	19/8	225
4	19/19	2805
5	19/7B	4792
6	19/2B	348
7	19/12	365
	Total	11467

measuring an extent of 11,467 sq.ft forming subject matter of Award No.1 of 2016, dated 29.02.2016 to the competent Civil Court for determination under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

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

2. The petitioner has come forward with the present writ petition seeking issuance of writ of mandamus, to direct the respondents to refer the matter pertaining to their land measuring an extent of 11,467 sq.ft forming subject matter of Award No.1 of 2016, dated 29.02.2016 to the competent Civil Court for determination under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The case of the petitioner is that the petitioner owned land measuring an extent of 11,467 sq.ft situated at Nazarethpet Village, Poonamallee Taluk, Thiruvallur District. The respondents acquired the land by invoking the provisions of the Tamil Nadu Highways Act, 2001 and also passed an interim award on 29.02.2016. The petitioner would further state that the respondents fixed compensation at the rate of Rs.1,200/- per sq.ft, whereas, the prevailing market value of the land is Rs.15,000/- per sq.ft. Hence, the petitioner gave a representation dated 15.04.2016, to the respondents to refer the matter to the competent Civil Court, for determination of compensation. Since, no favourable order was forth coming, he sent a legal notice dated 05.12.2017 to the respondents. Despite the same no action was taken by the respondents, hence, the present writ petition.

4. Mr.C.Jagadish, the learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the second respondent to consider the representation of the petitioner.

5. The learned Government Advocate appearing for the respondents submitted that if the petitioner had given the representation in time, the second respondent is ready to refer the matter to the competent Civil Court.

6. On perusal of the records, it would reveal that an interim award was passed on 29.02.2016 and the petitioner gave a representation on 15.04.2016, requesting to refer the matter to the competent Civil Court and it is evident from the records that the petitioner has given the representation in time.

7. In the light of the above, this Court, without going into the merits of the case, directs the second respondent to refer the matter to the competent Civil Court for proper adjudication.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ms

To

- 1.The District Revenue Officer,
(Land Acquisition),
Chennai Outer Ring Road,
CMDA, Koyambedu, Chennai - 600 107.
 - 2.The Special Tahsildar (Land Acquisition),
Chennai Outer Ring Road (Phase I),
Poonamallee, Chennai - 600 056.
- +1 cc to Mr.C.Jagadish Advocate sr 31180
+1 cc to the Govt Pleader sr 32743

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