

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.7587 to 7593 of 2018

M.Babu

...Petitioner in W.P.No.7587 of 2018

Vs.

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

...Respondent in W.P.No.7587 of 2018

PRAYER in W.P.No.7587 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to dispose of the petitioner's appeal dated 22.03.2012 and representation dated 12.03.2018 and thereby direct the respondent to send the petitioner's 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.D.Raja, AGP
(in all the petitions)

COMMON ORDER

Mr.D.Raja, learned Additional Government Pleader, 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.

04.04.2018

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

pvs

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K.KALYANASUNDARAM, J.

pvs

To
The District Collector,
Land Acquisition Officer,
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