

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.33497 of 2017

1. E.Kanniyappan
2. K.Malliga
3. K.Vijayarangam
4. K.Thirumal
5. M.Abinaya

Rep. by his power agent
A.P. Christal @ Jaya

...Petitioners

Vs.

- 1.The Secretary to Government,
The State of Tamil Nadu Housing and Urban Development,
Secretariat, Chennai - 600 009.
- 2.The Tamil Nadu Slum Clearance Board,
H.L.L.Nagar, Thandayarpettai,
Chennai.
- 3.The Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building No.1,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
- 4.The District Collector,
Thiruvallur District, Thiruvallur.
- 5.The Revenue Divisional Officer,
Ponneri, Thiruvallur District, Thiruvallur.
- 6.The Special Duty Collector,
Lands Acquisition Cell,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road, Egmore,
Chennai - 600 008.
- 7 The Thasildar,
Ponneri Taluk, Ponneri,
Chennai 601 204.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 4th respondent to decide the issue of land acquisition of the petitioner's C-Schedule properties and to pay suitable compensation with solatium and interest for the acquisition of petitioner's lands under the Right to Fair Compensation Act, and consequently direct the respondents not to disturb petitioner's possession and enjoyment of the Schedule-A land and to handover the possession and enjoyment of his remaining B-schedule properties to him by considering his representation dated 10.10.2017, within the period as stipulated by this Court.

For Petitioners :M/s.D.Nellaiappan
For Respondents :Mr.Akhil Akbar Ali, G.A. (for RR1 & 4 to 7)
Mr.M.Rajasekar (for R2)
Mr.M.Raja Srinivas (for R3)

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1, 4 to 7 and the learned Standing Counsels appearing for the respondents 2 and 3.

2. The petitioners have come up with this Writ Petition for issuance of a Writ of Mandamus to direct the 4th respondent to decide the issue of land acquisition of the petitioner's C-Schedule properties and to pay suitable compensation with solatium and interest for the acquisition of petitioner's lands under the Right to Fair Compensation Act, and consequently direct the respondents not to disturb petitioner's possession and enjoyment of the Schedule-A land and to handover the possession and enjoyment of his remaining B-schedule properties to him by considering his representation dated 10.10.2017.

3. Though the petitioner seeks for a larger prayer for compensation and not to disturb his possession and enjoyment, the learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the 4th respondent to consider the representation of the petitioner dated 10.10.2017.

4. The learned Government Advocate submitted that the representation of the petitioner would be considered in accordance with law.

5. In view of the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the 4th respondent to consider the representation of the petitioner 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.

6. With the above direction, the Writ Petition is disposed of. No costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

pvs

To

1. The Secretary to Government,
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+1 CC to Mr.D. Nellaiappan, advocate sr 32347.
+1 CC to Mr.M. Raja Sekar, Advocate sr 32478.
+1 CC to The Govt. Pleader sr 32699

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SSV(CO)
SP(04/06/2018)



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