

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.11366 of 2018

K.Devaki

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its
Secretary to Government,
Highways and Minor Ports Department,
Fort St.George,Chennai - 600 009.
- 2.The Land Acquisition Officer and
Competent Authority,
Special District Revenue Officer (Land Acquisition),
District Collector Office,Vellore.
- 3.The Special Tahsildar (Land Acquisition),
National Highway Division,
District Collector Office,Vellore.
- 4.The Project Director,
National Highways Authority of India,
No.259/1, Salem Main Road,
Near K.A.K.C.Petrol Bunk,
Krishnagiri - 635 001.
- 5.The District Collector,
Vellore District,
Sathuvacheri,Vellore.

... 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 fix the compensation at market value of the property forthwith in the event of acquiring the schedule property by considering the representation dated 20.01.2018 of the petitioner.

For Petitioner : Mr.G.Abrahamprabhu

For Respondents : Mr.D.Raja
Additional Government Pleader
for R 1 to R3 and R5
Mrs.S.R.Sumathy for R4

O R D E R

Mr.D.Raja, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3 and 5 and Mrs.S.R.Sumathy, learned counsel takes notice for the fourth respondent. 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. This writ petition has been filed seeking issuance of writ of mandamus, to direct the respondents to fix the compensation at market value of the property forthwith in the event of acquiring the schedule property, by considering the representation of the petitioner dated 20.01.2018.

3.The case of the petitioner is that her deceased husband K.Karunakaran was the absolute owner of the properties situated at S.Nos.27/5B2, 27/8F2, 29/100 in Kannadikuppam Village, Ambur Taluk, Vellore District. In the year 2013, the second respondent has issued a notice to acquire the property of the petitioner. The petitioner's husband has also participated in the enquiry and he passed away on 23.07.2017. Thereafter, there was no communication from the respondents to determine the compensation. Hence, she gave a representation to the respondents on 20.01.2018. Since there was no favourable reply forth coming, the present writ petition.

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

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 submitted that the representation of the petitioner would be considered in accordance with law.

6. In the light of the prayer sought for in this writ petition and the submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the third respondent to consider and pass orders on the representation of the petitioner dated 20.01.2018, on

merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all the necessary parties.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Highways and Minor Ports Department,
Fort St.George, Chennai - 600 009.
- 2.The Land Acquisition Officer and
Competent Authority,
Special District Revenue Officer (Land Acquisition),
District Collector Office,
Vellore.
- 3.The Special Tahsildar (Land Acquisition),
National Highway Division,
District Collector Office,Vellore.
- 4.The Project Director,
National Highways Authority of India,
No.259/1, Salem Main Road,
Near K.A.K.C.Petrol Bunk,
Krishnagiri - 635 001.

5.The District Collector,
Vellore District,
Sathuvacheri,
Vellore.

+1cc to the Government Pleader Sr.32700
+1cc to Mr.Abrahamprabhu, Advocate Sr.32537

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rj[col]
srg 24/05/2018



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