

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.10.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P.s 21645 & 21646 of 2018

W.P. 21645 of 2018

1. K.Kaliyamoorthy
2. K.Chandrasekaran
3. Jaya@ Jayalakshmi
4. S.Sheela
5.K.Vijayalakshmi
rep. by their Power Agent
J.Abdul Hameed

... Petitioners

Vs.

1. The District Collector,
Cuddalore,
Cuddalore Dt.
2. The Land Acquisition Officer/
Competent Authority,
The Special District Revenue Officer,
National Highways-227,
Collectorate, Cuddalore.
3. The Special Tahsildar / Land
Acquisition Officer,
National Highways-227,
Kattumannarkoil Unit-II,
Kattumannarkoil, Cuddalore Dt.
4. The Project Director,
National Highways-NH-227,
V.G.P.Nagar, Vazhudhareddy,
Near New Bus Stand, Villupuram,
Villupuram District.
5. The Commissioner/Executive Officer,
Kattumannarkoil Town Panchayat,
Kattumannarkoil,
Cuddalore Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on merits by disposing the written representation made by the Power Agent of the petitioners on 22.07.2018 within a stipulated time as this Hon'ble Court fixes.

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Mr.Liyakath Ali Jinna

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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.M.Elumalai,
Government Pleader for R-1

Ms.S.R.Sumathy,
Standing Counsel for R-2 to R-4

C O M M O N O R D E R

These Writ Petitions have been filed seeking for a direction directing the 2nd respondent to consider the petitioners' representation dated 22.07.2018 to pay the compensation.

2. The grievance of the petitioners is that they are the owner of the lands in Survey Nos.59/2, and 58/6, and Survey Nos. 54/1, 54/2, and 56/1, respectively in Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District. They have layout their lands, and now, taking steps to get the layout approval. In the meantime, the respondents have acquired the lands under the National Highways Act, and an award was also passed in respect of the lands acquired. So far as the area, in which the road and pathway are earmarked in the layout, award amount was not paid to the petitioners. In the said circumstances, the petitioners have made a representation to the authority to pay the compensation to the said road and pathway area, but no order has been passed by the 2nd respondent. Hence, the present Writ Petition has been filed by the petitioners.

3. The learned counsel appearing for the petitioners would contend that, admittedly, the petitioners are the owners of the land. Even though the petitioners have applied for the approval of the layout, it was not approved by the authorities, and the area, which was earmarked for Road and other public purposes were not handed over to the local body. In the circumstances, the petitioners are entitled for compensation for that land also.

4. The 5th respondent local body has filed a counter affidavit stating that a Gift deed was executed in favour of the petitioners in respect of the above property, and the above area vested with the local body, and claiming right over the amount. The learned counsel for the 2nd respondent has submitted that, the award amount in respect of the road and pathway was deposited, and so far, the amount was not paid to any of the parties.

5. I have heard the rival submissions and perused the materials available on records carefully.

6. Considering the limited prayer sought in the Writ Petition, without going into the merits of the case, the 2nd respondent is directed to consider the petitioners' representation and pass suitable orders on merits in accordance with law after giving opportunity to the petitioners and the 5th respondent. The parties to the dispute are directed to approach the authority and produce necessary documents to substantiate

their claim for receiving the compensation. The above exercise should be completed within a period of six weeks from the date of receipt of the copy of this order.

7. With the above direction, the Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpp

To

- 1.The District Collector,
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The Special District Revenue Officer,
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Near New Bus Stand, Villupuram,
Villupuram District.
 - 5.The Commissioner/Executive Officer,
Kattumannarkoil Town Panchayat,
Kattumannarkoil, Cuddalore Dt.
- +2ccs to Mr.S.R.Sumathy, Advocate, S.R.No.68003 and 68004
+2ccs to Mr.C.Prakasam, Advocate, S.R.No.68235
+1cc to the Government Pleader, S.R.No.68563

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of 2018

SPD(CO)
rrs 04/12/2018