

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.23135 of 2018

Mariam Bee

... Petitioner

Versus

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to dispose of the application dated 20.07.2016 in File No.32503 expeditiously within the time period which the Court may deem fit and decide and to re-determine the compensation for the acquisition of land admeasuring 1.99.5 hectares comprised in Survey No.94/1, Vengikal, Thiruvannamalai on the basis of the order dated 27.04.2016 in L.A.O.P.No.77/2001 on the file of Principal Sub Court, Tiruvannamalai, Tiruvannamalai District.

For Petitioner : M/s.G.Rajan

For Respondents : Mr.N.Manikandan, G.A.

O R D E R

This Writ Petition is filed for issuing a direction to the respondents to dispose of the petitioner's application dated 20.07.2016 and re-determine the compensation for the acquisition of land admeasuring 1.99.5 hectares comprised in Survey No.94/1, Vengikal, Thiruvannamalai on the basis of the order, dated 27.04.2016 in L.A.O.P.No.77/2001 passed by the Principal Sub Judge, Tiruvannamalai.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. It is stated that the petitioner's property was acquired by a notification dated 03.06.1998 under the Land Acquisition Act. It is stated that the second respondent has passed an award on 20.02.2000 fixing compensation at the rate of Rs.27,000/- per hectare and the amount was also deposited.

4. It is further stated that yet another owner of the land, who was also given compensation under the same award had filed an application under Section 18 of the Act for reference and on reference, the Land Tribunal by an order dated 27.04.2016, in LAOP No.77 of 2001 has enhanced the compensation to Rs.57/- per square feet.

5. It is further stated that thereafter, the petitioner has filed an application before the Collector on 20.07.2016 under Section 28 (A) of the Land Acquisition Act, seeking for re-determination of compensation as permissible.

6. The grievance of the petitioner is that though the petitioner has made an application before the Collector on 20.07.2016, he has not passed any order.

7. The learned counsel for the petitioner stated that the petitioner would be satisfied if the Collector is directed to dispose of the application filed by the petitioner under Section 28(A) of the Land Acquisition Act.

8. Having regard to the facts narrated in this petition and the limited scope of the prayer that is now sought before this Court, without expressing any opinion on the merits of the petitioner's claim, this Court directs the first respondent to dispose of the petitioner's application, dated 20.07.2016 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 providing an opportunity of hearing to the necessary parties. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to Mr.G.Rajan, Advocate SR.NO.61527

+1cc to Government Pleader SR.NO.62104

MG(CO)

sm:24.9.2018

W.P.No.23135 of 2018



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