

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.2325 of 2018

A.Jagadeesan

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Sathuvacheri,
Vellore - 632 009.
 - 2.The Land Acquisition Officer/ Revenue
Divisional Officer, Office of the Sub-Collector,
Tiruppattur - 635 601, Vellore District.
 - 3.The Divisional Engineer (H),
NABARD - Rural Roads Division,
No.8, Natteri Krishnamachari Street,
Vellore - 632 001.
 - 4.The Secretary to Government,
Highway and Minor Ports Department,
Secretariat, For St. George, Chennai - 9.
 - 5.The Divisional Engineer (Highways),
Construction & Maintenance,
Vaniyambadi.
- ... Respondents

(R-4 & R-5 Suo motu impleaded as per
order dated 20.03.2018 in W.P.No.2325 of 2018)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pay compensation along with other statutory benefits along with interest till the date of payment to him for the acquired lands in S.No.353/1 to an extent of 0.04.0 Hec., of Markethiyanur Village of Mattrapalli Madura of Tiruppattur Taluk, Vellore District in the light of the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013) based on the petitioner's representation dated 22.12.2017.

For Petitioner : Mr.P.S.Kothandaraman

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

Heard Mr.P.S.Kothandaraman, learned counsel for the petitioner; Mr.D.Raja, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to pay compensation along with other benefits for the lands acquired in Survey No.353/1 to an extent of 0.04.0 hectare of Markethiyanur Village under the Act of 30 of 2013, based on his representation dated 22.12.2007.

3. It seems that in the year 1979 vast extent of lands in Markethiyanur Village was acquired for forming and improving road from Mattrapalli to Javadu Hills under the Tamil Nadu Tribes Development Scheme.

4. The petitioner, after lapse of about 40 years, has come forward with this Writ Petition seeking compensation of land measuring about 10 cents under the Act of 30 of 2013. The affidavit is bereft of particulars and the affidavit shows the petitioner is aged 39 years and the land was acquired even before he was born.

5. The respondents stated that the land was acquired long back and the mother of the petitioner appeared and agreed to receive compensation fixed by the respondents. It is contended by the respondents that the original owners have not challenged the acquisition proceedings during their life time and the petitioner after lapse of 40 years has no right to seek compensation under the New Act. It is further submitted that at the time of acquisition, the respondents have fixed compensation at Rs.330/- per cent and the respondents have ready to pay the amount along with interest.

6. Considering the above facts that the land was acquired 40 years ago and the petitioner made representation only in the year 2017, seeking compensation under Act 30 of 2013, this Writ Petition is liable to be dismissed on the ground of laches. Accordingly, the Writ Petition is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

r n s
To

- 1.The District Collector,
Collectorate, Sathuvacheri,
Vellore - 632 009.
- 2.The Land Acquisition Officer / Revenue
Divisional Officer,
Office of the Sub-Collector,
Tiruppattur - 635 601,
Vellore District.
- 3.The Divisional Engineer (H),
NABARD - Rural Roads Division,
No.8, Natteri Krishnamachari Street,
Vellore - 632 001.
- 4.The Secretary to Government,
Highway and Minor Ports Department,
Secretariat, For St. George,
Chennai - 9.
- 5.The Divisional Engineer (Highways),
Construction & Maintenance,
Vaniyambadi.

+1cc to Mr.P.S.Kothandaraman, Advocate Sr.48639
+1cc to the Government Pleader Sr.51341

W.P. No.2325 of 2018

ev[co]
srg 9/8/2018