

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.26459 of 2017
and W.M.P.Nos.28163, 29335 of 2017 & 2654 of 2018

1. R.Arivanandham
2. R.Kamaladevi
3. V.Dhanagopalan
4. V.Nagarajan
5. N.R.Rajadasappan
6. S.Lakshmanan
7. S.Pushpa
8. J.Duraisamy

...Petitioners

Vs.

- 1.The Secretary to Government,
State Highways Department,
Fort St. George, Chennai - 600 009.
- 2.The Chief Engineer,
State Highways, Chepauk, Chennai - 600 005.
- 3.The District Collector,
Salem District, Salem.
- 4 The Land Acquisition Officer,
District Revenue Officer,
Collectorate, Salem.
5. R.Sugumar,
Land Acquisition Officer,
District Revenue Officer,
Collectorate, Salem.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to conduct enquiry in regarding with fixation of compensation for the petitioners building situated at Suramangalam-Sandhaipettai Main Road, Shevapet, Salem-2, under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.Akhil Akbar Ali, G.A., for RR1 to 4
Given up, for R5

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and perused the materials available on record. 5th respondent was given up by the learned counsel for the petitioner.

2. The prayer in the writ petition is for issuance of a writ of Mandamus, directing the second respondent to conduct enquiry and award compensation for the petitioners' building situated at Suramangalam Sandhaipettai Main Road, under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The case of the petitioners is that they owned properties at Pallapatti Village, Salem West and their properties were acquired under the Tamil Nadu Highways Act.

4. Mr.C.Prakasam, learned counsel for the petitioners submitted that after enactment of Act 30 of 2013, the petitioners are entitled for compensation under the New Act, but the petitioners received notice under Section 15(3) of the Tamil Nadu Highways Act. It is further submitted that though enquiry was conducted on 07.05.2018, and the petitioners were permitted to mark documents, but no award has been passed so far.

5. Mr.Akhil Akbar Ali, learned Government Advocate submitted that enquiry notice was issued under Section 15 (3) of the Tamil Nadu Highways Act, but an award would be passed as per the provisions of the Act 30 of 2013. After award enquiry, the entire files have been sent to the Commissioner of Land Administration for his concurrence and approval and thereafter award will be passed.

6. Recording the submissions of the learned Government Advocate, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

pvs

To

1.The Secretary to Government,
State Highways Department,
Fort St. George, Chennai - 600 009.

2.The Chief Engineer,
State Highways, Chepauk, Chennai - 600 005.

3.The District Collector,
Salem District, Salem.

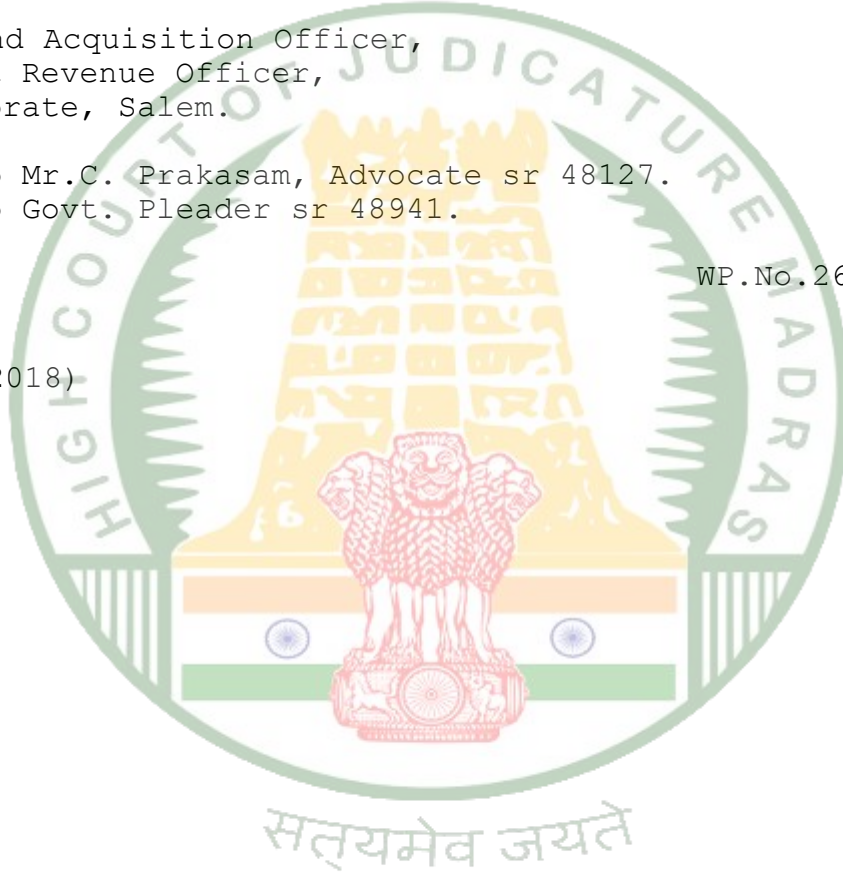
4. The Land Acquisition Officer,
District Revenue Officer,
Collectorate, Salem.

+1 CC to Mr.C. Prakasam, Advocate sr 48127.

+1 CC to Govt. Pleader sr 48941.

WP.No.26459 of 2017

SP(07/08/2018)



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