

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.19923 of 2017

M.Saravanan

... Petitioner

Vs

1. The Secretary to Government,
(Housing & Urban Development Department),
Fort St.George,
Chennai-600 009.

2. The District Collector,
Tiruvallur District, Tiruvallur.

3. The Revenue Divisional Officer (R.D.O.),
Ambattur Taluk, Ambattur,
Chennai-600 053.

4. The Land Acquisition Officer,
Special Tahsildar (L.A.) (N),
Chennai.

5. The Sub-Treasury,
(Government of Tamil Nadu),
Nandanam, Chennai-600 035.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to fix the compensation as per the Market value of the land with 9% interest per annum from the date of acquisition to till the date and deciding the petitioner claim based on the representation dated 12.04.2017 in connection with survey No.141/3 Karampakkam Village, Porur, Chennai.

For Petitioner : Mr.K.Thiruvalluvan
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The brief allegation of the petitioner is that the petitioner's land along with others were acquired under the provisions of the Land Acquisition Act, 1894 and an award in Award No.6/94 dated

10.06.1994 was passed. Earlier the petitioner approached the Court with W.P.4064/2011 for a direction that the compensation amount of Rs.35,000/- payable to him under the award be disbursed to him and had made some representations to the authorities in this regard. This was allowed.

2. Be that as it may, the petitioner has now come forward with the present petition seeking issuance of a Writ of Mandamus to direct the respondents to fix the value of the property in terms of its market value along with interest at the rate of 9%.

3. What in essence the petitioner seeks is enhancement of compensation, for which, a specific provision under Section 18 of the Land Acquisition Act, 1894 is available. Without taking re-course to that, after 23 years, the petitioner has come forward with this present petition to re fix the value of the land in terms of market value. This is an indirect way of achieving something for which there is specific statutory provision is available.

4. The petitioner having slept over his right for more than two decades, cannot seek to revive the right that he has lost. His option not to act in within time and the laches in approaching the Court disentitle him of his right to the remedy he now seeks. This Writ Petition is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

ssn

To

1. The Secretary to Government,
(Housing & Urban Development Department),
Fort St.George,
Chennai-600 009.

2. The District Collector,
Tiruvallur District,
Tiruvallur.

3. The Revenue Divisional Officer (R.D.O.),
Ambattur Taluk, Ambattur,
Chennai-600 053.

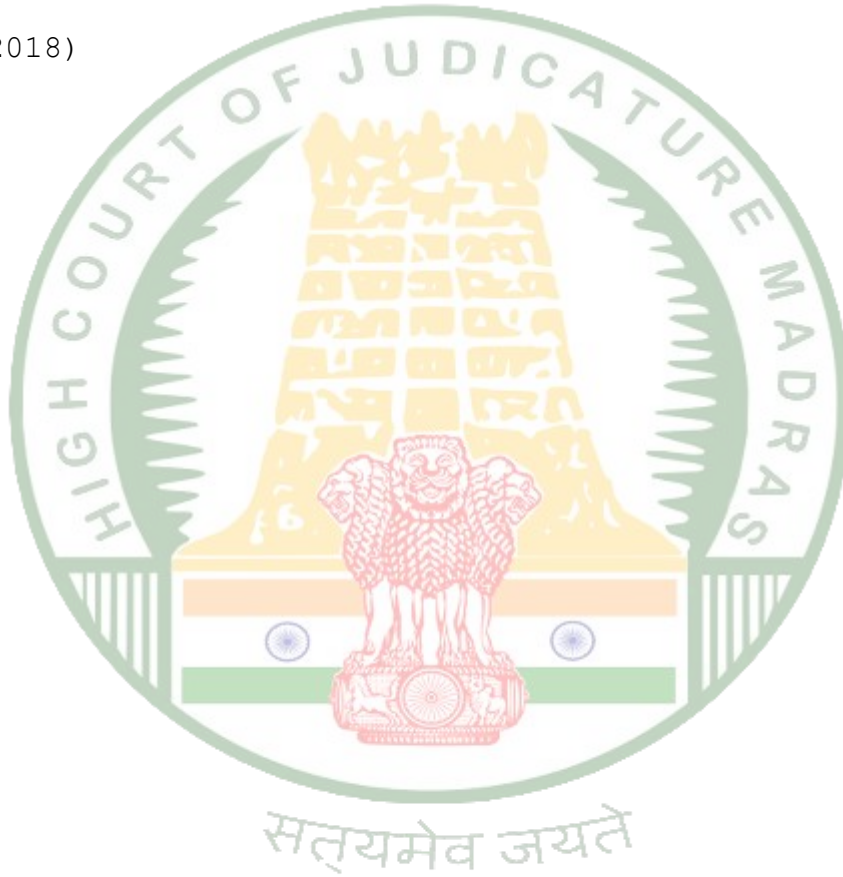
4. The Land Acquisition Officer,
Special Tahsildar (L.A.) (N),
Chennai.

5. The Sub-Treasury,
(Government of Tamil Nadu),
Nandanam, Chennai-600 035.

+1cc to Mr.K.Thiruvallavan, Advocate SR.No.952
+1cc to Government Pleader SR.No.3664

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SR(CO)
GN(01/02/2018)



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