

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 27.06.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.15585 of 2018

Radha Ammal

..Petitioner

Vs

1. The Special Deputy Collector (Land Acquisition),
Chennai Metropolitan Development Authority,
Egmore, Chennai -8.
2. The Special Deputy Tahsildar (Land Acquisition),
Chennai Metropolitan Development Authority,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to re-determine and pay the compensation awarded in award No.1 of 2003 as per sec.28A of the Land Acquisition Act and in pursuant to the award passed in LAOP No.35 of 2003 by considering the representation made by the petitioner dated 19.01.2018 within the period to be stipulated by this Honble Court.

For Petitioner : Mr.R.Chandrasekaran
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondents. By consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. The petitioner has come up with this present writ petition for issuance of a writ of Mandamus to direct the respondents to re-determine and pay the compensation for the land acquired, based on her representation, dated 19.01.2018.

3. The case of the petitioner is that her land measuring an extent of 2400 sq.ft in Survey No.435/01 in Velachery Village was acquired for the purpose of widening bypass road at Velachery. The respondents have paid the compensation at the rate of Rs.76/- per sq.ft. The petitioner would state that the neighbouring land owners sought reference to the Civil Court under Section 18 of the Land Acquisition Act. Pursuant to the reference, the learned VI Assistant City Civil Judge, Chennai enhanced the compensation in LAOP.No.35 of 2003

by fixing compensation at the rate of Rs.484/- per sq.ft. Since, the petitioner is also entitled for the compensation at rate fixed by the Civil Court, the petitioner made a representation dated 19.01.2018. Since no favourable order was passed, the present writ petition.

4. The learned counsel for the petitioner submitted that based on the representation, the District Collector, Chennai has called for report from the Special Tahsildar, Egmore, Chennai, but so far, no order has been passed. It is further submitted that the petitioner would be satisfied, if a suitable direction is given to the District Collector to pass orders on the representation of the petitioner.

5. The learned Government Advocate submitted that under Section 28 of the Land Acquisition Act, the competent authority is the District Collector and if the petitioner makes a fresh representation, it would be considered on merits and in accordance with law.

6. Taking note of the facts the case and submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the District Collector Chennai, within a period of two weeks, by enclosing a copy of this order. On such compliance, the District Collector, Chennai, shall consider the same and pass orders on merits in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of twelve weeks therefrom.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Special Deputy Collector (Land Acquisition),
Chennai Metropolitan Development Authority,
Egmore, Chennai -8.
2. The Special Deputy Tahsildar (Land Acquisition),
Chennai Metropolitan Development Authority,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.

+1cc to Mr.R.Chandrasekaran, Advocate SR.No.40645

+1cc to Government Pleader SR.No.41828

RK(CO)

sm:16.7.2018

<https://hcservices.ecourts.gov.in/hcservices/>

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