

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.15670 of 2018

A.Mariammal

..Petitioner

Vs

1. The District Collector,
Singaravelar Maligai,
Chennai.
2. The Special Thasildhar,
Land Acquisition,
Mambalam, Guindy Division,
Chennai.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the first respondent to refer the petitioner's land acquisition case in Award No.2/2009 dated 21.11.2009 passed by him, to the concern jurisdictional Civil Court in terms of section 20 (1) of Tamil Nadu Highways Act 2001 on the basis of the petitioner's application dated 10.12.2009 as expeditiously as possible preferably within the time stipulation as prescribed by this Court.

For Petitioner : Mr.Swarnam J Rajagopalan
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

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

2.The prayer sought for in this writ petition is for issuance of a writ of Mandamus to direct the first respondent to refer the case of the petitioner to the Civil Court under Section 20(1) of the Tamil Nadu Highways Act 2001, on the basis of her representation dated 10.12.2009.

3. According to the petitioner, she is the absolute owner of the land measuring an extent of 4,800 sq.ft. in Survey No.710/2B & 3B at Velachery Village in Chennai, vide sale deed, dated 11.03.1982. The land was acquired, despite her

serious objection and she has been paid compensation at the rate of Rs.102/- per square feet, even though the market value on the date of acquisition was Rs.4000/-. Aggrieved over the award, she preferred a representation to the respondent on 10.12.2009 seeking reference to the Civil Court under Section 20(1) of the Tamil Nadu Highways Act. Since no order was passed, the present writ petition.

4. The learned Counsel for the petitioner submitted that in respect of the land covered under the same notification, the learned VI Assistant City Civil Court, Chennai in LAOP.No. 21 of 2014 has enhanced the compensation from Rs.102/- to Rs.2000/- per Square feet. But, in the case of the petitioner, the respondents failed to make reference to the Civil Court.

5. It is further submitted that it would suffice, if a suitable direction is given to the first respondent to consider the representation of the petitioner.

6. The learned Government Advocate fairly submitted that the petitioner gave the representation in time and the first respondent is ready to consider the representation of the petitioner in accordance with law.

7. In the light of the above submissions and considering the facts of the case, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 10.12.2009 and pass appropriate orders on merits in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

msrm

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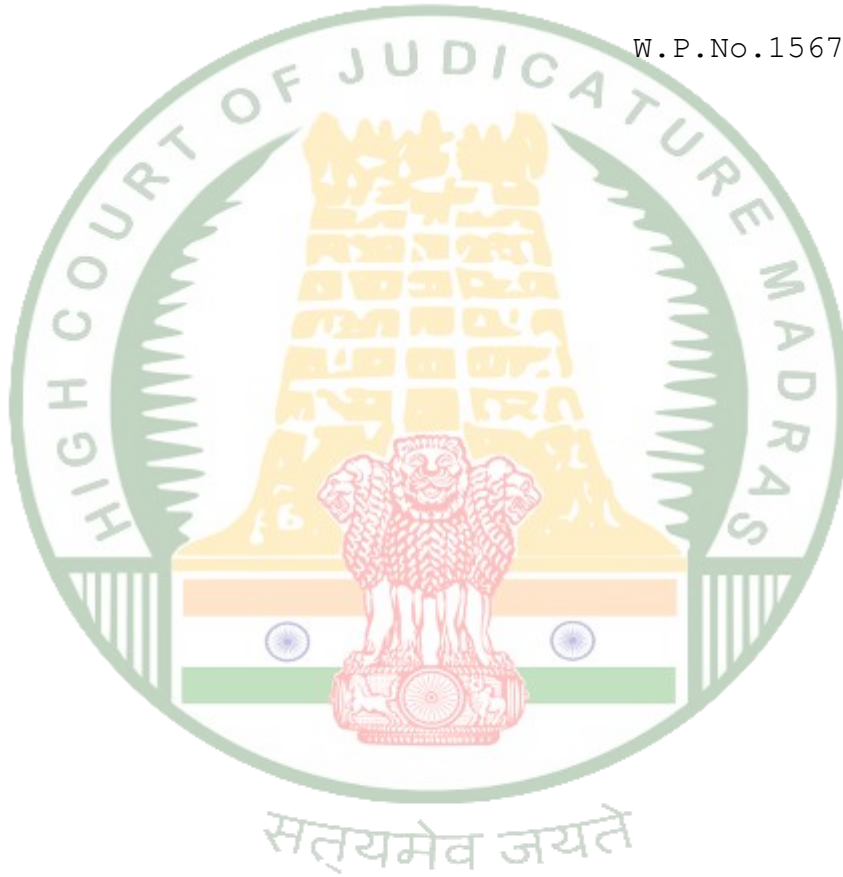
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2. The Special Thasildhar,
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Chennai.

+1cc to Mr.Swarnam J.Rajagopalan, Advocate SR.No.41039
+1cc to Government Pleader Sr.No.41877

RK(CO)
sm:16.7.2018

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