

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.16187 of 2018

S.Ramgopal

..Petitioner

Vs

1. State of Tamil Nadu
Represented by
Principal Secretary to Government
Highways and Minor Ports Department
Fort St.George
Chennai - 600 009.

2. The District Collector
Vellore District
Vellore - 632 009.

3. The District Revenue Officer
Vellore - 632 009.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents herein to pass final award in accordance with G.O.(Ms)No.59 dated 29.05.2014 and G.O.(Ms)No. 27 dated 05.03.2018 along with solatium, interest and other attendant benefits accrued under the Land Acquisition proceedings for the acquisition of lands comprised in Survey Nos.271/2A1 and 271/2B1, Melalathur Village, Gudiyattam Taluk, Vellore District within a reasonable time to be fixed by this Court.

For Petitioner : Mr.T.Dhanyakumar
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

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

2. The case of the petitioner is that his land comprised in Survey Nos.271/2A1 and 271/2B1, in Melalathur Village in Gudiyattam Taluk was acquired by the respondents by invoking the provisions of the Tamil Nadu National Highways Act by issuing a notification, dated 22.01.2015. The further case of the petitioner is that after lapse of 1 1/2 years, the 3rd respondent has passed the interim award on 30.09.2016. But, so far no final order has been passed.

3. The learned Counsel for the petitioner submitted that after the Promulgation of new Land Acquisition Act in Act 30 of 2013, the petitioner is entitled for compensation under the new Act and as per the Government orders G.O.(Ms) No. 59, Highways and Minor Ports (HF1) Department, dated 29.05.2014 and G.O.(Ms) No.27, Highways and Minor Ports (HF1) Department, dated 05.03.2018. It is further submitted that the petitioner has made verbal as well as written representation to the 3rd respondent dated 16.04.2018 and also issued a legal notice on 29.05.2018 requesting the respondents 2 and 3 to pass final award. Despite the same, no order has been passed so far, hence the present writ petition.

4. The learned Counsel further submitted that it would suffice, if a direction is issued to the third respondent to pass orders on the representation of the petitioner.

5. The learned Government Advocate submitted that the third respondent is the competent authority and he is ready to consider the representation of the petitioner.

6. In the light of the limited scope of the prayer sought in this writ petition and the submissions made by the learned Counsel on either side, this Court, without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 16.04.2018 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the necessary parties, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msrm

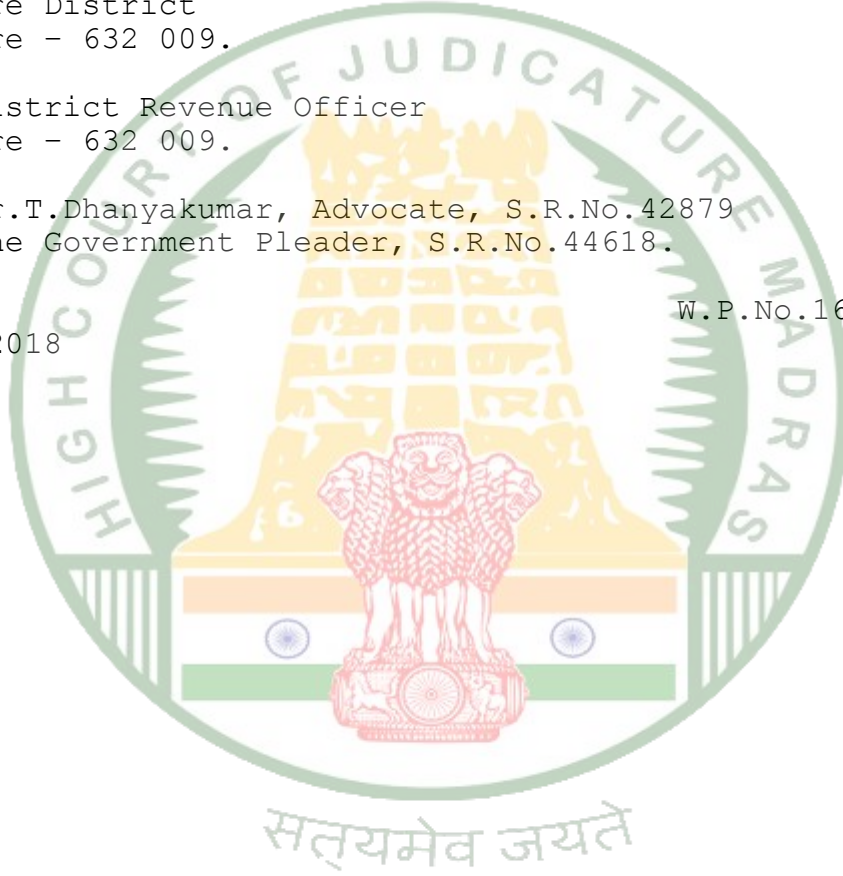
To

1. The Principal Secretary to Government
State of Tamil Nadu
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Fort St.George
Chennai - 600 009.
2. The District Collector
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Vellore - 632 009.
3. The District Revenue Officer
Vellore - 632 009.

+1cc to Mr.T.Dhanyakumar, Advocate, S.R.No.42879
+1cc to the Government Pleader, S.R.No.44618.

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BM 19/07/2018



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