

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.16499 of 2018
and
W.M.P.No.19700 of 2018

R.Kumaraswamy

...Petitioner

Versus

The Special Deputy Collector,
(Land Acquisition),
Tamil Nadu Township Development Scheme-III,
Alandur, Chennai - 600 016. ... Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the award passed in Na.Ka.No.5840/2013/F1, dated 31.07.2017 by the respondent and quash the same as null and void and consequently direct the respondent to fix the compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.K.Lavan
For Respondent : Mr.D.Raja
Additional Government Pleader

O R D E R

Heard Mr.K.Lavan, learned counsel for the petitioner and Mr.D.Raja, learned Additional Government Pleader for the respondent and perused the materials available on record.

2. This writ petition has been filed to quash the award passed by the respondent under Section 19(3) and 19(6) of the Tamil Nadu Highways Act 2001, dated 31.7.2017.

3. According to the petitioner, his land in S.No.6/2, situated at No.167, Medavakkam Main Road, Adambakkam, Chennai, measuring an extent of 58 sq.metre, was acquired for the purpose of widening the Mount-Madipakkam road. In pursuance thereof, the impugned award has been passed.

4. 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. Hence, the award passed under Section 19(3) and 19(6) of the Tamil Nadu Highways Act 2001, is liable to set aside and that the petitioner's objections were not considered and he is ready to give a fresh representation.

5. The learned Additional Government Pleader for the respondent submitted that the acquisition proceedings were initiated in the year 2012 and the award was passed on 31.07.2017 and that the petitioner has received the entire award amount. Hence, this writ petition seeking compensation under the new Act is not maintainable and the grievance of the petitioner would be considered in accordance with law.

6. Though a larger relief has been sought for in this writ petition, taking into consideration the submissions of the learned counsels, this writ petition is disposed of, by permitting the petitioner to give a fresh representation to the respondent within a period of two weeks, from the date of receipt of a copy of this order. On such compliance, the respondent shall consider the same and pass orders purely on merits and in accordance with law, within a period of eight weeks therefrom. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

The Special Deputy Collector,
(Land Acquisition),
Tamil Nadu Township Development Scheme-III,
Alandur, Chennai - 600 016.

+1cc to Mr.K.Lavan, Advocate, S.R.No.44727.

+1cc to The Government Pleader, S.R.No.44900. (03/08/2018)

W.P.No.16499 of 2018

and

W.M.P.No.19700 of 2018

BM 25/07/2018