

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.17159 of 2018

K.Senthil Kumar

...Petitioner

Vs.

1. The District Collector,
Office of Collector Office,
Kancheepuram and Thiruvallur Districts,
Kancheepuram.
2. The Special District Revenue Officer (LA),
National Highways - 5,
Kancheepuram and Thiruvallur Districts,
Kancheepuram.
3. The Special Thasildar (LA),
National Highways -5,
6 Lane Scheme,
Poonamallee,
Thiruvallur District.
4. K.Mohan
- 5.The Project Director (Chennai)
National Highways Authority of India,
Sri Towers,
Guindy,Chennai - 600 032.

...Respondents

[R5 impleaded, as per the order of this Court dated 17.07.2018,
in WMP.No.21279 of 2018 in W.P.No.17159 of 2018]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd and 3rd respondent to dispose of the petitioner's representation dated 11.05.2018 within a stipulated period.

For Petitioner : Mr.R.Muniyapparaj
For Respondents: Mr.Akhil Akbar Ali, G.A., for RR1 to 3
Mrs.S.R.Sumathy, for R5

ORDER

This writ petition has been filed seeking direction to the respondents 2 and 3 to dispose of the petitioner's representation dated 11.05.2018 within a stipulated period.

2. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and the learned Standing Counsel for the 5th respondent and perused the materials available on record.

3. The petitioner would state that the land measuring an extent of 14 cents situated at No.61, Chinna Obulapuram Village in Gumudipoondi Taluk in Survey Nos.176B/9, 170B/10A & 176B/10B was owned by his father Krishnaiyah. After his demise, he became the absolute owner of 1760 sq.ft. by virtue of settlement deeds executed by the other legal heirs. The petitioner would further state that he has been in possession and enjoyment of the property and a part of the land measuring an extent of 30 sq.mt. was acquired by the respondents for widening NH-5, and he was paid compensation of Rs.6,97,390/-

4. The grievance of the petitioner is that for the land acquired to an extent of 9 sq.mt. in Survey Nos.176B/9 and 176B/10A in the said Village, from his brother, the fourth respondent herein, he was paid compensation of Rs.48,02,610/-. Since the award in favour of the petitioner was meager, he made a representation, dated 11.05.2018 to the respondents seeking enhancement of compensation. As no favourable reply was forthcoming, the present writ petition.

5. The learned counsel for the petitioner would submit that it would suffice, if a direction is issued to the second respondent to consider the representation of the petitioner.

6. The learned counsels for the respondents submitted that during award enquiry, the petitioner failed to produce necessary documents and at later stage, he is not entitled for enhancement of compensation. However, the second respondent is ready to consider the representation of the petitioner.

7. In the light of the submissions of the learned counsels on either side, this Court without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 11.05.2018 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of eight weeks.

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

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

pvs

To

1. The District Collector,
Office of Collector Office,
Kancheepuram and Thiruvallur Districts, Kancheepuram.
 2. The Special District Revenue Officer (LA),
National Highways - 5,
Kancheepuram and Thiruvallur Districts, Kancheepuram.
 3. The Special Thasildar (LA),
National Highways -5, 6 Lane Scheme, Poonamallee,
Thiruvallur District.
 4. The Project Director (Chennai)
National Highways Authority of India,
Sri Towers, Guindy, Chennai - 600 032.
- +1 CC to Mr.R.M.R. Indian Law firm, sr 46812.

WP.No.17159 of 2018

SP(06/08/2018)

WEB COPY