

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.18293 of 2018

Murugaiyan

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Special District Revenue Officer (L.A.)
Thiruvallur District,
Kancheepuram District,
Kancheepuram Collector Office Buildings,
Kancheepuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents to consider and pass an award in the Arbitration Application, dated 22.11.2016 pertaining to the petitioner's Acquisition of housing property comprised in Survey No.765/47B admeasuring 216 sq.mt for Chennai by-pass (Phase II) acquisition scheme in Korattur Village, Ambattur Taluk, Tiruvallur by National Highways Authority of India vide award No.27/06, dated 22.2.2007, within a time limit.

For Petitioner : Mr.A.S.Vijay Anand

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

Heard Mr.A.S.Vijay Anand, learned counsel for the petitioner and Mr.D.Raja, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

2. The petitioner prays for writ of mandamus, directing the first respondent to consider and pass an award, based on the arbitration application dated 22.11.2016, within a time frame.

3. According to the petitioner, he is the absolute owner of the residential site in S.No.765/47, which was sub divided as S.No.765/47 B in Korattur Village, Ambattur Taluk.

He had constructed a residential building in the above said site and was residing therein. The petitioner would further state that his land was acquired by the respondents, by invoking the Provisions of the National Highways Act. The award came to be passed on 22.02.2007, at the rate of Rs.227/- per sq.ft.

4. The petitioner would further state that he along with other owners raised objections and also sought for an arbitration award. Thereafter, the petitioner sent a arbitration application by registered post on 01.01.2008, which was served on the respondents on 29.2.2008. Though the District Collector has enhanced the compensation from Rs.227/- per Sq.ft to Rs.800/- per Sq.ft, in respect of the other owners, however, no award was passed in respect of the property of the petitioner. Hence, he sent another representation to the first respondent on 22.11.2016. Since there was no response, he come up with the present writ petition.

5. The learned counsel for the petitioner 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 Additional Government Pleader submitted that the first respondent is the competent authority and he is ready to consider the representation of the petitioner in accordance with law.

7. In the light of the above submissions of the learned counsels and also considering the nature of prayer sought for in the writ petition, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 22.11.2016 and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order after affording opportunity to all necessary parties.

8. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Special District Revenue Officer (L.A.)
Thiruvallur District,
Kancheepuram District,
Kancheepuram Collector Office Buildings,
Kancheepuram.

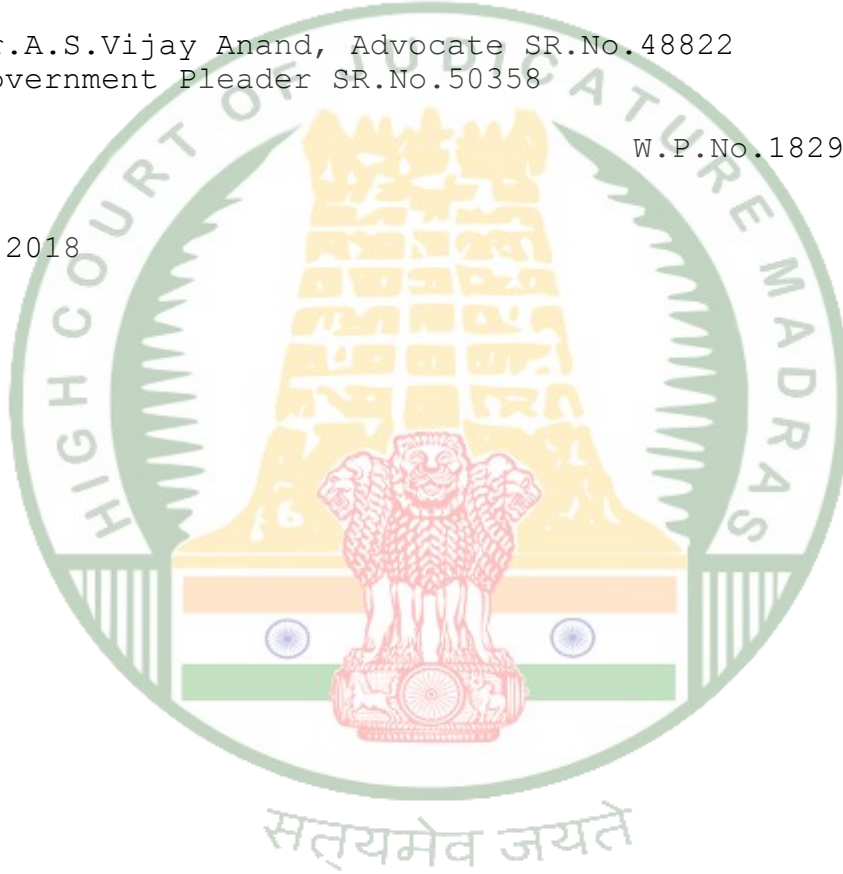
+1cc to Mr.A.S.Vijay Anand, Advocate SR.No.48822

+1cc to Government Pleader SR.No.50358

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PVS (CO)

SMI/11.08.2018



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