

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18572 of 2018

P.Vanaja

...Petitioner

Vs.

1. The Special Tahsildar,
National Highway Land Acquisition,
2. The Special Revenue Divisional Officer,
Competent Authority (Land Acquisition),
National Highway - 45A,
Cuddalore, Cuddalore District.
3. The Tahsildar,
O/o the Tahsildar,
Chidambaram Taluk,
Chidambaram.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st and 2nd respondents herein to pay the compensation amount for the petitioner's land for the extent of 3.10 cents land situated in the Survey No.61/3A/1B of Lalpuram Village, Chidambaram Taluk, Cuddalore District based on the petitioner's representation dated 07.03.2018.

For Petitioner : Mr.S.Kumara Devan
For Respondents : Mr.Akhil Akbar Ali, G.A.

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing at the admission stage itself.

2. The prayer in the writ petition is for issuance of a writ of mandamus to direct the respondents 1 and 2 to pay compensation to the petitioner for the land acquired in Survey No.61/3A/1B of Lalpuram Village, Chidambaram Taluk, Cuddalore District, based on her representation dated 07.03.2018.

3. According to the petitioner, she is the absolute owner of the land measuring an extent of 1.36 acres in Survey No.61/3 of Lalpuram Village, vide registered sale deed, dated 21.09.1994. The petitioner would state that the respondents acquired the land measuring 56.8 cents in Re-Survey No.61/3A2 for expansion of NH45A, by invoking the National Highways Act and she was paid compensation of Rs.13,27,499/-.

4. The petitioner would further state that in respect of the land in Survey No.61/3A/1B, the third respondent refused to issue patta in favour of the petitioner and later on enquiry, she came to know that the land to an extent of 3.10 cents was acquired after issuing notice to the petitioner's vendor Thamilarasi. According to the petitioner, she is not entitled for any compensation and the entire amount to be paid to the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner gave representations to the respondents 1 and 2 on 01.09.2017 and 07.03.2018, requesting them to pay compensation to the petitioner. Since no favourable reply was forthcoming, the present writ petition.

6. It is further submitted that it would suffice, if a direction is issued to the second respondent to consider the representations of the petitioner.

7. The learned Government Advocate submitted that the second respondent is ready to consider the representations of the petitioner in accordance with law.

8. Considering the nature of prayer sought for in the writ petition and 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 representations of the petitioner dated 01.09.2017 and 07.03.2018 and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs

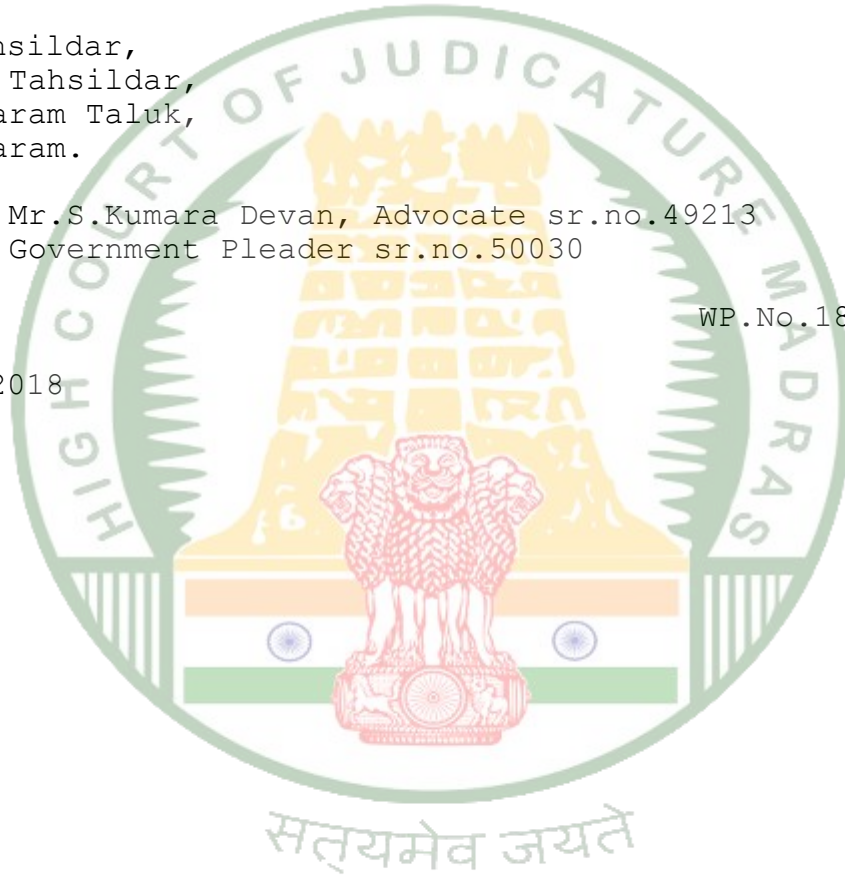
To

1. The Special Tahsildar,
National Highway Land Acquisition.
2. The Special Revenue Divisional Officer,
Competent Authority (Land Acquisition),
National Highway - 45A,
Cuddalore, Cuddalore District.
3. The Tahsildar,
O/o the Tahsildar,
Chidambaram Taluk,
Chidambaram.

+1cc to Mr.S.Kumara Devan, Advocate sr.no.49213
+1cc to Government Pleader sr.no.50030

WP.No.18572 of 2018

nr 13/08/2018



WEB COPY