

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.35159 of 2013

S.Premavathy

... Petitioner

Vs

1. Land Acquisition Officer-cum
District Collector, Kancheepuram,
Kancheepuram District.

2. The Divisional Engineer (Highways),
Projects Division-I,
No.110/A, G.S.T.Road,
Chrompet, Chennai.

3. The Special Tahsildar (L.A.)
I.R.R.Scheme now having office at
110/A G.S.T.Road,
Chrompet, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to refer Award No.5 of 2010 dated 15.04.2010 to the competent civil court pursuant to the written representation sent on 03.06.2010 to the respondents in respect of the petitioner's acquired land under Tamil Nadu Highways Act, 2002 situate in Survey No.215/21 measuring an extent of 2647.944 Sq.ft., at Kilampakkam Village, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr.A.C.Kumarakurubaran

For Respondents : Mr.A.Zakir Hussain,
Government Advocate

O R D E R

The case of the petitioner is that a property in Survey No.215/01, at Kilambakkam Village, Chengalpattu Taluk, Kancheepuram District was acquired under the provisions of the

Tamil Nadu Highways Act, 2001 and an award was passed on 15.04.2010 in Award No.5/2010. The petitioner has preferred a request to the authorities for referring the matter to the Civil Court under Section 20(1) of the Highways Act, 2001, on 03.06.2010, and it is well within 60 days time stipulated for seeking reference under the said provision.

2. Heard both sides and the third respondent appeared in person to assist the Court.

3. It is apparent on a plain reading of the affidavit and supporting papers that the petitioner's prayer for reference is well within time. The learned Government Advocate submitted that there was some confusion in the address of the said representation made by the petitioner and hence, the delay was caused. He undertakes that the reference would be made promptly without further delay.

4. Recording the statement of the learned Government Advocate, this Court directs the 3rd respondent to initiate necessary steps to make the reference as was required by the petitioner vide his representation dated 03.06.2010 and the reference itself should be made within one month from the date of receipt of a copy of this order, without going into the question of limitation, since the petition for representation for reference itself is made well within time.

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

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. Land Acquisition Officer-cum
District Collector, Kancheepuram,
Kancheepuram District.

2. The Divisional Engineer (Highways),
Projects Division-I,
No.110/A, G.S.T.Road,
Chrompet, Chennai.

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Chrompet, Chennai.

+1cc to M/s.A.C.Kumaragurubaran, Advocate Sr.No.5042

sm:7.3.2018

W.P.No.35159 of 2013



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