

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM : THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.Nos.35161 & 35162 of 2013

1. K.Gajendran

... Petitioner in WP.No.35161 of 2013

2.G.Thirumeni

... Petitioner in WP.No.35162 of 2013

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 in both WPs

Common 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, 2001 situate in Survey No.215/23B and Survey No.215/20B measuring an extent of 4359.42 sq.ft., and 3013.92 sq.ft. respectively at Kilampakkam Village, Chengalpattu Taluk, Kancheepuram District.

For Petitioners : Mr.A.C.Kumarakurubaran
For Respondents : Mr.E.Neelakandan and M.Karthikeyan
Government Advocate

COMMON ORDER

The case of the petitioners in both these writ petitions is that they owned separate plots of land in a property belonged to each of them at Kilambakkam Village, Chengalpattu Taluk, Kancheepuram District. The details are:

Writ Petition No.	Name of the Petitioner	Survey No.
W.P.No.35161 of 2013	K.Gajendran	215/23B
W.P.No.35162 of 2013	G.Thirumeni	215/20

These lands were acquired under the provisions of Tamil Nadu Highways Act, 2001 and an award was passed on 15.04.2010 in Award No.5/2010. The petitioners had preferred individual representations 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. Mr.E.Neelakantan, learned Government Advocate appearing for the respondents represented that the delay has occasioned because in a representation, the petitioners had given a different village and the authorities were in a fix as to how to deal with the request for reference. The learned Government Advocate on instructions from the Special Tahsildar who is present before this Court, submitted that steps would be taken to refer the matter without any further delay.

4.1. In fitness of things the authority concerned should have, or, at least could have informed the petitioners about the defects in their representations, if only the Tahsildar has considered it as material.

4.2 Most among We, the people, may not raise to match the prosperity of the rest unless they, who either know not to approach the administrative functionaries or how to approach them, are helped with anticipation and empathy. The basic and an indispensable norm that those in the service for the people in this country could ill afford to ignore is to know their countrymen, predominated by the ignorant, the illiterate, the innocent, and, the WEB COPY

4.3 Walk a short distance additionally, it becomes administration for the people. Administrative action therefore, can no longer remain an aspect of administrative obligations and duties dictated by legal semantics and its interpretation, but must be understood as part of a broader facet of administrative care, with little humanism and understanding of the people. Bend not the law but blend it with concern for the citizenry. Hence, a conceptual, people-oriented transition, if not radicalisation,

especially of those in the lower rung of the bureaucracy is required, and it can make the difference.

4.4 Its immediate and beneficial ramification will be reflected in the ability of the Court to conserve judicial time for better utilisation in cases that cry for attention. Here is a lower rung authority who stationed himself in indecisive confusion on a trivia for eight years till this litigation broke the inertia. This is symptomatic of a crisis in attitude that appears to have infected many, if the several instances where the Courts witness its reflection are a parameter. In the final analysis, this augurs well only for the docket-augmentation in Courts, but not for the quality of service they are expected to provide. Often it is said that law does not take notice of trivia, yet a sizable number of cases that throng this Court spring from trivia. In each of them the authority concerned has the first opportunity to do, and to do it correctly, that which this Court ultimately directs them to do. Where lies his pride?

5. Now, quoting a wrong village in the written request of these petitioners for Reference might have suited the authority concerned not to act on it for eight years. Trivia, the cause might be, but it involved the right of citizens which an official at the field level could have easily attended. This Court therefore, requires both the petitioners to file a fresh representation with correct particulars. When it is done the same shall be treated as if they were filed within time (as on 03.06.2010) since at no time did the petitioners exhibit an intention not to seek enhancement of compensation. The petitioners would be entitled to all benefits which they would have obtained in the eventuality of the Reference Court finds grounds to enhance compensation as if the reference was made in time.

6. Both the petitioners in W.P.No.35161 of 2013 and W.P.No.35162 of 2013 are accordingly required to present their respective representations separately with correct particulars for Reference within four weeks from the date of receipt of a copy of this order whereupon the 3rd respondent shall initiate necessary steps to make the reference within two weeks thereafter without reference to any question of limitation. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssn
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,
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3. The Special Tahsildar (L.A.)
I.R.R.Scheme now having office at
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Chrompet, Chennai.

+2cc to Mr.A.C.Kumarakurubaran, Advocate SR.no.5044, 5045

sm:7.3.2018

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