

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.27688 of 2013

T.R.Purushothaman

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District, Kancheepuram.
 2. The Special Tahsildar (Land Acquisition)
Oragadam Industrial Park,
Road Construction Plan Office,
Sriperumpudur, Kancheepuram District.
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to make a reference of claim for enhancement by an objection made by the petitioners in their representation dated 06.04.2013 by referring to competent Jurisdictional Court under Section 20 of the Tamil Nadu Highways Act, 2011 and Section 18(2) of Land Acquisition Act, 1894 for redetermination of enhancement of quantum of compensation for the acquisition of the property of 1387 sq.mts. comprised in Survey No.6/1A (New Survey No.6/1A1) located at 165, Venbakkam Village, by virtue of a sale deed document No.1854 of 1999 dated 14.07.1999 and revenue records also transferred in my name through Patta No.245, Venbakkam Village, Thiruvallur District.

For Petitioner : M/s.K.U.Sale Murugan
For Respondents: Mr.N.Manikandan, G.A.

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus to direct the respondent to make reference under Section 18(2) of the Land Acquisition Act.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the respondents have acquired his land for widening the Vandalore - Walajahpet Road. The respondent passed the award on 05.03.2012 and the petitioner

received the award amount under protest. Since no reference was made under Section 18 of Land Acquisition Act, the petitioner gave an application on 06.04.2013, under Section 20 of the Tamil Nadu Highways Act and Section 18(2) of the Land Acquisition Act. The respondents received the representation, however, no action was taken. Hence, the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the respondent to consider the application dated 06.04.2013.

5. The learned Government Advocate submitted that the petitioner did not make any application for reference within a period of 60 days, hence the request would not be considered. The learned Government Advocate further submitted that the petitioner received the award amount without any protest.

6. On perusal of the original files, it reveals that the petitioner received the award amount under protest and also made an objection letter to the respondents on 10.09.2012.

7. In the light of the above facts, the first respondent is directed to consider the representation / application of the petitioner dated 06.04.2013 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 twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar (Land Acquisition)
Oragadam Industrial Park,
Road Construction Plan Office,
Sriperumpudur, Kancheepuram District.

+1cc to Mr.K.U.Sale Murugan, Advocate Sr.No.20306

+1cc to Government Pleader sR.No.21403

sm:4.4.2018

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