

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.29787 of 2016

1.S.Karunakaran

2.S.Dayalan

... Petitioners

-Vs-

The Special Deputy Collector (LA)

Tamil Nadu Urban Development Project-III

Poonamallee, Chennai.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 19.7.2016 by correcting the mistake that occurred in the award dated 15.2.2011.

For Petitioners: Mr.K.Rajasekaran

For Respondent : Mr.E.Neelakandan

Government Advocate

ORDER

The present writ petition is filed by the petitioners seeking a Writ of Mandamus directing the respondent to consider their representation dated 19.07.2016.

2.The brief facts are : The petitioners' own a piece of land in Porur Village, Ambattur Taluk, Thiruvallur District. This was originally blocked in Survey No.188-53A of Porur Village, but was later sub-divided and was assigned Survey No.188-53D. The said land was acquired under the provisions of Tamil Nadu Highways Act 2001, and that on 15.2.2011, an award was passed and compensation payable was determined at Rs.28,23,540/-.

3.The learned counsel for the petitioners submitted that the guideline value of the property in Survey No.188-53D of Porur Village at that relevant time was Rs. 4,388/- per sq.ft. But the respondent has fixed the guideline value at Rs.1,000/- per sq.ft. To this effect, the petitioners have filed their representation dated 19.07.2016.

4. Mr.E.Neelakandan, learned Government Advocate enters appearance for the respondent.

5. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondent.

6. It is an admitted fact that the award was passed on 15.02.2011 and if at all the petitioners were aggrieved of it, they should have moved the authority under Section 20 of the Land Acquisition Act, 1984 and should have sought reference within sixty days from the date of the award. Secondly, when once the award was passed, the authority who passes the award would become functus officio and it would not be in a position to consider the same. It appears that the petitioners having slept over their rights for quite some time, and having let the limitation period to expire, now attempting to revive their fortune and infuse life into a right lost in laches and limitation with their current action.

7. This Court finds no merit in this writ petition and the same is dismissed. No costs.
ds

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

The Special Deputy Collector (LA)
Tamil Nadu Urban Development Project-III
Poonamallee, Chennai.

sm:9.2.2018

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