

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25..10..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.26040 of 2018

Hameed Nachiya

... Petitioner

-Versus-

- 1.The District Collector,
Thiruvarur District.
- 2.The Tahsildar,
Thiruvarur Taluk,
Thiruvarur District.
- 3.The General Manager,
Land Acquisition,
Oil and Natural Gas Corporation Limited,
Neravy Complex,
Karaikal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to acquire the land of the petitioner comprised in Town Survey No.127 admeasuring an extent of 1092.50 Hectares situated in Ward No.3, Block No.30, Vijayapuram Village, Thiruvarur Taluk and District, permanently and pay appropriate compensation by considering the representation of the petitioner dated 03.12.2017 within the time frame to be fixed by this court.

For Petitioner

: Mr.R.Arun Dattan

For Respondents

: Mr.M.Elumalai,
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed seeking for a direction to the respondents in the form of writ of mandamus considering the representation of the petitioner dated 03.12.2017 to initiate a proceedings as per law for the acquisition of the

petitioner's land comprised in Town Survey No.127 admeasuring an extent of 1092.5 square meter, situate in Ward No.3, Block No.30, Vijayapuram Village, Thiruvarur Taluk and District, permanently and pay appropriate compensation within the time frame to be fixed by this court.

2. According to the petitioner, her lands have been used by the 3rd respondent for their project by paying a meager amount as rent. Several representations made by her to the respondent for acquiring the land permanently as per law had not been considered. While so, when a similarly placed person had approached this court earlier in W.P.No.38130 of 2016 seeking a mandamus, this court, by order dated 18.04.2017 directed the respondents 3 and 4 therein who are Tahsildar and District Revenue Officer to consult with the land owner and the ONGC take steps to acquire the land permanently and to pay compensation for the land. The grievance of the petitioner is that despite such directions from this court, no steps have been taken by the authorities to acquire the land permanent. The last such representation made by her on 03.12.2017 in this regard also did not evoke any response. Under such circumstance, having no other option, the petitioner is before this court with the instant writ petition.

3. Heard both sides.

4. Earlier notice was ordered to the respondents. Mr.M.Elumalai, learned Government Advocate, who took notice for the respondents 1 and 2 had sought for time to get instructions and the matter was accordingly adjourned.

5. Today, Mr.E.Sathiya Prakash, Senior Revenue Inspector, District Collectorate, Tiruvarur was present in court. When the Writ Petition came up for hearing, the learned Government Advocate, on instructions from Senior Revenue Inspector, submitted that the 1st respondent has already taken steps to acquire the land permanently after consulting the petitioner and the ONGC and private negotiations are being held and after the negotiations, appropriate proceedings will be initiated for payment of compensation to the petitioner. According to the learned Government Advocate, the 1st respondent requires twelve weeks time to complete the entire process of acquisition including payment of compensation. The said statement is recorded.

6. In the light of the limited relief sought for in the writ petition and the submission made by the learned Government Advocate, without going into the merits of the case, this court directs the 1st respondent to have a consultation with the petitioner and the authorities concerned in the ONGC and to take

steps to acquire the petitioner's land permanently and complete the acquisition process including payment of compensation within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The District Collector,
Thiruvarur District.
- 2.The Tahsildar,
Thiruvarur Taluk,
Thiruvarur District.
- 3.The General Manager,
Land Acquisition,
Oil and Natural Gas Corporation Limited,
Neravy Complex,
Karaikal.

+1cc to the Government Pleader, S.R.No.73908

W.P.No.26040 of 2018

KAN(Co)
CS/07/12/2018

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