

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.27660 of 2018
and
W.M.P.s 32203 & 32206 of 2018

1. R.Arivanandham
2. P.Kamaladevi
3. V.Dhanagopalan
4. V.Nagarajan
5. N.R.Rajadasappan
6. S.Lakshmanan
7. S.Pushpa
8. J.Duraisamy

.... Petitioners

Vs.

1. The Principal Secretary to Government,
Highways Department,
Fort St. George, Chennai-600 009.
2. The Chief Engineer, State Highways,
Chepauk, Chennai-600 005.
3. The District Collector, Salem District,
Salem.
4. The General Manager, Southern Railway,
Chennai.
5. The Chief Administrative Officer,
Southern Railway,
Works/Constructions/MS,
Egmore, Opp. To Daily Thanthi Office,
Chennai.
6. The Commissioner of Land Administration,
Ezhilagam, Chennai.
7. The Land Acquisition Officer /
District Revenue Officer,
Collectorate, Salem-636 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 7th respondent to consider the petitioner's representation dated 04.10.2018, conduct enquiry under Right to Fair Compensation and Transparency in Land Acquisition Re-

habilitation and Re-settlement Act and pass award of compensation on the basis of market value within a time limit to be fixed by this Hon'ble Court.

For Petitioners : Mr.Vijayshankar for
Mr.S.Gunalan

For Respondents : Mr.C.Thirumaran,
Special Government Pleader
for R1 to 3, R6 & R7

Mr.P.T.Ramkumar,
Standing Counsel for R4 & R5

O R D E R

This Writ Petition has been filed seeking a direction to the 7th respondent to conduct the award enquiry.

2. The grievance of the petitioners is that the petitioners lands were sought to be acquired under the Tamil Nadu Highways Act. A notice under Sec.15(1) of the Act was also issued, thereafter, no award enquiry was conducted. Hence, the petitioners have filed the Writ Petitions W.P.Nos.17571, 18453 to 18457 of 2017, seeking for a direction to conduct award enquiry, and this Court by an order dated 25.01.2018 disposed of the Writ Petitions with a direction to the respondents to conduct enquiry for determining the compensation and pass award in accordance with Sec.105, of the Act 30 of 2013. Thereafter, a notice was issued to the petitioners for award enquiry on 27.03.2018, and on that day, the petitioners have appeared for the enquiry, but the 7th respondent Land Acquisition Officer was not present. Thereafter, another enquiry was conducted on 07.05.2018, in which notice was ordered to the 1st petitioner alone. No notice was issued to the remaining petitioners. In the said circumstances, the present Writ Petition has been filed by the petitioners seeking a direction to the 7th respondent to conduct fresh enquiry.

3. Mr.C.Thirumaran, learned counsel appearing for the respondents 1 to 3 and 6 to 7 submitted that when the enquiry was conducted on 07.05.2018, the 1st petitioner has appeared and submitted his objections along with documents regarding the market value of the lands. Now, after completion of enquiry, the 7th respondent has submitted all the enquiry proceedings before the 6th respondent to pass suitable orders under Sec.5(2) of the Act.

4. Considering the circumstances, as the enquiry already completed and the enquiry proceedings was also submitted before the Government, and the 1st petitioner has also submitted his detailed objections in the award enquiry, I am of the view, it is suffice to direct the petitioners 2 to 8 to

appear before the 7th respondent, and submit their written objections, within a period of one week from the date of receipt of the copy of this order. On receipt of the written objections from the petitioners 2 to 8, the 7th respondent is directed to submit their objections immediately before the 6th respondent enabling the Government to pass orders on their objections.

5. With the above said observation, the present Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

rpp

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
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Chennai-600 009.
2. The Chief Engineer, State Highways,
Chepauk, Chennai-600 005.
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6. The Commissioner of Land Administration,
Ezhilagam, Chennai.
7. The Land Acquisition Officer/
District Revenue Officer,
Collectorate, Salem-636 001.

+1cc to Mr.S.Gunalan, Advocate SR.No.79348
+1cc to Mr.P.T.Ramkumar, Advocate SR.No.79359
+1cc to Government Pleader SR.No.79552

KR/23/11/18

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