

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25..10..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.26781 of 2018

Sree Saraswathi Mills Limited,
Rep. by its Director,
N.Shanmugasundaram,
Regd. Office: 'Vridhi'
Flat A-1, 45(22), 1st Main Road,
R.A.Puram, Chennai 600028.

... Petitioner

-Versus-

1. The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk, chennai 600005.
2. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
3. The Tahsildar,
Thiruthani Taluk, Thiruthani.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to fix the compensation for the acquired land of the petitioner comprised in Survey Nos.403/1 and 403/2 at Devasenapuram, Valliammapuram Village, Tirutani Taluk, Tiruvallur District after classifying the type of land as residential or commercial and arrive the guide line value as per its classification before passing the final award.

For Petitioner : Mr.Trangabar Dorai Vasu
For Respondents : Mr.D.Raja,
Addl. Govt.Pleader

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent in the nature of writ of mandamus for considering the representation of the petitioner for fixation of compensation for the land comprised in Survey No.403 and 403/2

at Devasenapuram Valliammapuram Village, Tirutani Taluk, Tiruvallur District, which was acquired by the State by taking into account the classification of the land either as residential or commercial and pass appropriate final award for compensation.

2. According to the petitioner, he was the owner of the lands in question which were acquired by the Tamil Nadu Highways for a public purpose to form a by-pass road for Arakkonam. It is the further case of the petitioner that he was running a school in the subject lands and the school building and the land appurtenant to it were be acquired subsequently. An interim award was passed on 18.09.2015 fixing compensation at the rate of Rs.30000/- per cent considering the lands as agricultural lands. Whereas the petitioner claims that the subject lands are to be classified as commercial land as he was running an educational institution thereon. In the above circumstances, he made representations on 28.09.2018 and 05.10.2018, to the 2nd respondent, to requesting him to conduct an inspection to ascertain the classification of the land and thereafter pass an appropriate final award fixing compensation treating the subject lands either as commercial or residential plot. Now the grievance of the petitioner is that such representations made to the 2nd respondent have not seen the day of light.

3. Earlier noticed was ordered to the respondents. Mr.M.Elumalai, learned Government Advocate, who took notice for the respondents had sought for time to get instructions.

4. Today, when the matter came up for hearing, the learned Government Advocate, on instructions, submitted that so far no final award has been passed and the respondents required three months time to pass final award and at the time of passing final award, the claim of the petitioner will be considered by the 2nd respondent.

5. Considering the limited relief sought for in the writ petition and the submission made by the learned Government Advocate, this court, without going into the merits of the case, directs the 2nd respondent to inspect the subject land before passing final award in the matter and consider the request of the petitioner to determine the classification of the subject land after giving an opportunity of hearing to the petitioner, thereafter pass final award on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. In the result, the writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk

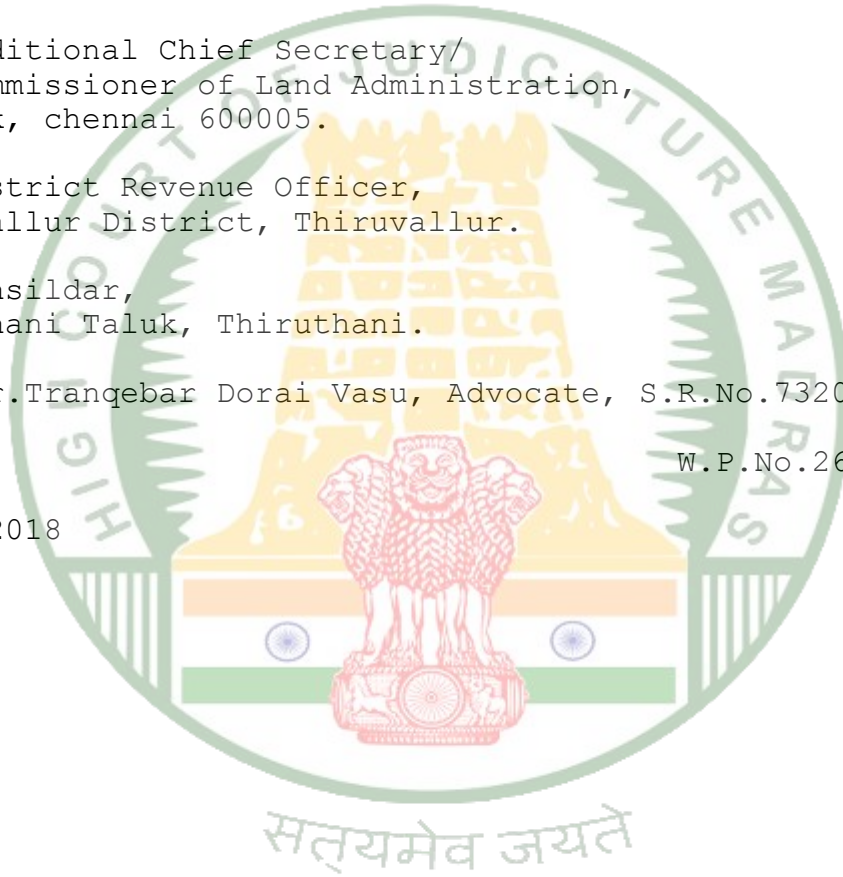
To

1. The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk, chennai 600005.
2. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
3. The Tahsildar,
Thiruthani Taluk, Thiruthani.

+1cc to Mr.Trangebar Dorai Vasu, Advocate, S.R.No.73201

W.P.No.26781 of 2018

CS/01/11/2018



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