

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.28164 of 2018

K.S.Ramesh,
S/o.K.K.Shanmugam,
No.21, South Street,
Porappankadu, Manickampalayam,
Veerappanchatram,
Erode-638 004. ... Petitioner

Vs.

1. The District Collector,
Erode District, Erode-638 011.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Neighbourhood Scheme,
Surampatti Nall Road, Erode. ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 19.09.2018 within a stipulated time.

For Petitioner : Mr.C.Prakasam
For R1 & R2 : Mr.M.Elumalai
Government Advocate
For R3 : Mr.R.V.Balu

O R D E R

The present writ petition is filed seeking a direction to the 1st respondent to consider the petitioners' application filed under Section 28-A of the Land Acquisition Act.

2. According to the learned counsel for the petitioner, the lands were acquired for the purpose of Tamil Nadu Housing

Board. Subsequently, the award was also passed. Even though, the petitioner did not filed any application under Section 18 of the Land Acquisition Act, some of the neighbouring land owners filed an application seeking reference and based on their application, the compensation award amount has been enhanced by a judgment dated 26.04.2014 in L.A.O.P.No.1 of 2014. Consequently, the copy of the judgment was delivered on 27.06.2014, and within a period of two months, from the date of receipt of a copy of this order, the petitioner has issued legal notice on 21.08.2014 seeking for payment of compensation under Section 28-A of the Land Acquisition Act, but the application was not disposed of by the 1st respondent/District Collector. Hence the present writ petition has been filed.

3. Considering the limited pray sought for in the writ petition and without going into the merits of the case, as the petitioner application was pending from the year 2014, the 1st respondent/District Collector is directed to consider the petitioners' application in accordance of law and pass order, within a period of eight weeks, from the date of receipt of a copy of this Order.

4. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Erode District, Erode-638 011.

2. The Revenue Divisional Officer,
Erode, Erode District.

3. The Executive Engineer,
Tamil Nadu Housing Board,
Neighbourhood Scheme,
Surampatti Nall Road, Erode.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.87224

+1cc to the Government Pleader, S.R.No.81364

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KAN(CO)
GSP(13/12/2018)