

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.16687 of 2012

C.Natarajan (died)

2.Malini

3.Thanigaivel

4.Shakila

.. Petitioners

(Petitioners 2 to 4 are substituted as Lrs of deceased P1 as per order dated 27.09.2019 in W.M.P.No.21288 of 2018 in W.P.No.16687 of 2012)

Vs.

1.The District Collector,
Tiruvannamalai District.

2.The Chief Administrative Officer,
Construction Division,
Southern Railway, Egmore,
Chennai - 600 008.

3.Chidambaram

.. Respondents

(R3 impleaded as per order dated 27.09.2019 in W.M.P.No.21289 of 2018 in W.P.No.16687 of 2012)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the order of the 1st Respondent dated 24.04.2012 in Na.Ka.M1/15786/2008 and quash the same consequently directing the 1st Respondent to fix the compensation as per the market value of the acquired lands of the petitioner.

For Petitioners: Mr.S.Gunaseelan
For R1 : Mr.M.Elumalai
Government Advocate
For R2 : Mr.P.T.Ramkumar
Standing Counsel
For R3 : Mr.C.Venkatesan

O R D E R

This Writ Petition is filed for a Writ of Certiorarified Mandamus to call for the order of the first respondent dated 24.04.2012 in Na.Ka.M1/15786/2008 and quash the same consequently directing the first respondent to fix the compensation as per the market value of the acquired lands of the petitioner.

2.The petitioner originally filed the Writ Petition and pending Writ Petition, the petitioner died on 11.11.2016 and subsequently his legal heirs were impleaded as petitioners 2 to 4 herein. The petitioner filed the present Writ Petition challenging the impugned order of the first respondent dated 24.04.2012 in Na.Ka.M1/15786/2008, wherein the District Collector, Tiruvannamalai sent a letter to the petitioner for acquisition of land through private negotiations for the purpose of Railways for converting meter gauge railway line to broad gauge railway line from Katpadi to Villupuram. Accordingly, they provisionally selected the petitioner's land for acquisition. However, even thereafter the land was acquired, no compensation was paid to the petitioner. Hence, the petitioner filed the present Writ Petition challenging the impugned order of the first respondent dated 24.04.2012 in Na.Ka.M1/15786/2008.

3.Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the first respondent, learned Standing Counsel appearing for the second respondent and the learned counsel appearing for the third respondent and perused the entire materials on record.

4.The learned Standing Counsel for the second respondent submitted that the first respondent passed an order dated 24.04.2012 for acquisition of land through private negotiations, since the Railway is not inclined to agree with the land value. The petitioner did not agree for the compensation and the petitioner's land was not acquired for the purpose of conversion of meter gauge to broad gauge and the Railways had not utilized the land. He further submitted that the petitioner also not utilized the land and therefore some of the Railway materials lying in the petitioner's land can be removed within twelve weeks. He produced a letter passed by the second respondent dated 25.11.2019 wherein it has been stated that the materials lying on the land of the petitioner was removed from 23.11.2019 and now the petitioner's land is free and the petitioner can now very well enjoy his land.

5.Considering the submission made by the learned Standing Counsel appearing for the second respondent, nothing survives in this Writ Petition and the present Writ Petition does not need further adjudication.

6.In the result, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruvannamalai District.

2.The Chief Administrative Officer,
Construction Division,
Southern Railway, Egmore,
Chennai - 600 008.

+1cc to Mr.S.Gunaseelan, Advocate sr.99818
+1cc to Mr.P.T.Ramkumar, Advocate sr.99766
+1cc to Mr.C.Venkatesan, Advocate sr.99691
+1cc to Government Pleader SR.NO. 100376

W.P.No.16687 of 2012

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