

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2019
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3383 of 2019

1.K.Vinoth Babu
2.K.Meena
3.K.Kavitha

...Petitioners

Vs

1.The State rep.by
the Secretary, Transport Department
Fort St.George, Chennai-600 009.
2.The District Collector,
Kancheepuram District,
Collectorate Office,
Kancheepuram.
3.The Special District Revenue Officer,
The Special District Revenue Officer (L.A.)Office,
Chennai Airport Extension Scheme,
No.27/15, Pattunool Chatram
Opposite Village Union Office,
Sriperumbudur-602 105
Kancheepuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the third respondent to pay compensation to the petitioners for the land acquired from them in S.No.1025/2 in Cantonment Pallavaram, Alanthur Taluk, Kancheepuram District.

For Petitioners : Mr.M.P.Saravanan

For Respondents : Mr.C.Thirumaran,
Special Govt.Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The petitioners' land was acquired by the respondent Department under Chennai Airport Expansion Scheme. But no compensation has been paid to the petitioners and the interested owner of the acquired property . Therefore, the

present writ petition has been filed for a direction to pay compensation to the petitioners herein for the land acquired from them in S.No.1025/2 in Cantonment Pallavaram, Alanthur Taluk, Kancheepuram District.

3.On instructions, the learned Special Govt.Pleader appearing for the respondents would submit that the property acquired stood in the names of Masilamani Mudaliar and Krishnaswami Mudaliar as joint pattadhars and Masilamani Mudaliar died on 18.02.1981 and the petitioners herein are the grant children of the said Masilamani Mudaliar. No claim has been made by producing the required document, namely, Legal Heir Certificate of Masilamani Mudaliar. Further, Krishnaswami Mudaliar has not appeared for the enquiry, to receive compensation from the Department. Therefore, the learned Special Govt.Pleader has submitted that the matter has to be referred to the Civil Court under Section 9(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 for payment of compensation to the concerned party.

4.The learned Special Govt.Pleader further submitted that only an interim award has been passed by the respondent Department and no final award passed. He also stated that the authority will refer the matter to the Civil Court under Section 9(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, within a period of four weeks from the date of receipt of a copy of this order.

5.In view of the above submissions made, since the dispute relates to payment of compensation among the claimants, therefore, the third respondent is directed to refer the dispute under Section 9(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 to the concerned Civil Court for seeking this remedy, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, it is open to the petitioner to seek remedy before the Civil Court in accordance with law.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Secretary to Government,
Government of Tamil Nadu,
Transport Department
Fort St.George, Chennai-600 009.

2.The District Collector,
Kancheepuram District,
Collectorate Office,
Kancheepuram.

3.The Special District Revenue Officer,
The Special District Revenue Officer (L.A.)Office,
Chennai Airport Extension Scheme,
No.27/15, Pattunool Chatram
Opposite Village Union Office,
Sriperumbudur-602 105
Kancheepuram District.

+1cc to Mr.M.P.Saravanan , Advocate SR.No. 12217

+1 CC TO GOVERNMENT PLEADER SR.NO. 12825

W.P.No.3383 of 2019

A.SK(05/03/2019)



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