

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:07.02.2019

CORAM:
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3641 of 2019
and
WMP.No.3991 of 2019

A. Valarmathi

... Petitioner

Vs

1.The District Collector
Collectorate Campus
Namakkal - 637 001.

2.The Special District
Revenue Officer
Special Land Acquisition
Tamilnadu Road Development Scheme II,
Salem-5.

3.The Special Tahsildar
Special Land Acquisition
Salem-5.

.... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka. No.31/2014/A1 dated 05.12.2018 and quash the same, consequently direct the 2nd respondent to pay the compensation to the petitioner for the land acquired in Survey No.99/2, Minnampalli, Thiruchengodu Taluk with interest 12% per annum and also pay damages a sum of Rs.5,00,000/-.

For Petitioner: Mr. K. Sathish Kumar

For Respondents: Mr. D. Raja, Government Advocate

O R D E R

The prayer in the Writ Petition is to quash the proceedings of the 2nd respondent in Na.Ka. No.31/2014/A1 dated 05.12.2018 and consequently direct the 2nd respondent to pay the compensation to the petitioner for the land acquired in Survey No.99/2, Minnampalli, Thiruchengodu Taluk with interest 12% per annum and also pay damages a sum of Rs.5,00,000/-.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the subject property,

through inheritance. The petitioner's land was acquired by the respondents for the purpose of extension of road by the Highways Authorities, issuing notice under Section 15(2) of the Tamil Nadu Highways Act, 2001. Subsequently, the 2nd respondent issued notice under Section 19(2) of the Act for determination of compensation and directed the petitioner to appear before the respondent. The petitioner appeared before the 2nd respondent with all relevant documents and sought for compensation. According to the petitioner, without fixing the compensation and without entering into an agreement, the 2nd respondent has taken possession of the land belonging to the petitioner, to an extent of 0.0570/571 sq.mt. Therefore, the petitioner made a representation on 03.12.2018 to the 2nd respondent, requesting him to pay the compensation for the land acquired by the respondents, along with damages and interest. The 2nd respondent by his letter dated 05.12.2018 stated that status quo has been ordered by this Court in W.P. Nos.24111 & 24112 of 2017 and so the petitioner's request will be considered subject to the outcome of those writ petitions. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Learned counsel for the petitioner would submit that the petitioner co-operated with the enquiry and has submitted all the relevant documents before the authorities concerned. He further submitted that citing the pendency of the writ petitions in W.P. Nos.24111 & 24112 of 2017, the 2nd respondent cannot reject his claim. Therefore, the respondents may be directed to consider his request for award of compensation for the land acquired by them, as per the provisions contemplated under the Act.

4. Mr.D. Raja, learned Government Advocate takes notice for the respondents. With the consent of both the parties, the writ petition is disposed of, at the stage of admission itself.

5. Learned Government Advocate would submit that admittedly the petitioner appeared for the enquiry and sought for compensation. However, notice regarding land acquisition was served on the petitioner's mother, as stated by the counsel for the petitioner subsequently the petitioner's mother expired. Therefore, the petitioner has to appear before the respondents and produce the relevant documents to prove that the petitioner is the legal heir of the deceased mother Ponnammal. If the said documents are produced, the respondents will consider the same independently, without prejudice to the pendency of the aforesaid writ petitions.

6. In view of the above submission of the learned Government Advocate, the petitioner is directed to appear before

the respondents and produce the required documents to prove that the petitioner is the legal heir of the deceased Ponnammal, on receipt of notice from the respondents department. If the respondents are satisfied with the documents produced by the petitioner, the 3rd respondent shall consider the representation of the petitioner dated 03.12.2018 on merits and in accordance with law and pass orders for grant of compensation, if necessary, after affording opportunity to the parties concerned, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, with the above direction . Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

avr

To

1.The District Collector
Collectorate Campus
Namakkal - 637 001.

2.The Special District
Revenue Officer
Special Land Acquisition
Tamilnadu Road Development Scheme II,
Salem-5.

3.The Special Tahsildar
Special Land Acquisition
Salem-5.

+lcc to Mr.K.Sathish Kumar, Advocate, S.R.No.10698
+lcc to the Government Pleader, S.R.No.11352

WP.No.3641 of 2019
and
WMP.No.3991 of 2019

MG(CO)

rrs 27/03/2019

WEB COPY