

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.5281 of 2019

Kuppana Gounder

.. Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Special Officer and
District Revenue Officer,
Land Acquisition Project,
Dharapuram Taluk,
Tiruppur.

3.The Assistant Divisional Engineer,
Highway Department,
Dharapuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the respondents to re-determine the award dated 31.10.2011 passed in Award No.9 of 2011 in respect of the lands acquired from the petitioner in T.S.No.1091/4B, 1091/1 in Gandhi Nagar, Dharapuram Municipality, Tiruppur District and enhance the award amount to Rs.500/- per Sq.ft. In consonance with the order dated 13.11.2017 made in L.A.O.P.No.7 of 2012 on the file of the Subordinate Court, Dharapuram.

For petitioner : Mr.R.Shase

For R1 to R3 : Mr.C.Thirumaran,
Special Government Pleader

O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the respondents to re-determine the award dated 31.10.2011 passed in Award No.9 of 2011 in respect of the lands acquired from the petitioner in T.S.No.1091/4B, 1091/1 in Gandhi Nagar, Dharapuram Municipality, Tiruppur District and enhance the award amount to Rs.500/- per Sq.ft. In consonance with the order dated 13.11.2017 made in L.A.O.P.No.7 of 2012 on the file of the Subordinate Court, Dharapuram.

2.By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

3.According to the learned counsel for the petitioner, the respondents herein had acquired some lands and an award was passed by the second respondent. Moreover, during the course of the enquiry, the petitioner's son and some of the land owners made their objections before the Land Acquisition Officer, referred under Section 18(1) of the Land Acquisition Act before the Sub Court, Dharapuram in L.A.O.P.No.7 of 2012 for enhancement of compensation. By an award dated 13.11.2017, the Sub Court, Dharapuram had enhanced the compensation amount to the land owners. The petitioner made his representation on 09.02.2018 to the second respondent under Section 28-A of the Land Acquisition Act to enhance the compensation, on the basis of the award passed in L.A.O.P.No.7 of 2012 dated 13.11.2017 and no order has been passed and hence, the present writ petition is filed before this Court.

4.The learned Special Government Pleader would submit that the award passed on 13.11.2017 and the petitioner made his representation on 09.02.2019. If, the petitioner had submitted the said representation within three months time under Section 28-A of the Land Acquisition Act and the same shall be considered in accordance with law.

5.By considering the submissions made by the learned counsel for the petitioner as well as the learned Special Government Pleader, without expressing any opinion on merits, this Court is inclined to direct the first respondent to consider the petitioner's representation dated 09.02.2018 on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order, if necessary, to provide an opportunity to the petitioner concern.

6.It is needless to say that the petitioner has to enclose a copy of the representation dated 09.02.2018, along with the necessary documents and the order copy of this Court, to the first respondent.

7.Accordingly, the writ petition is disposed of with the above direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Special Officer and
District Revenue Officer,
Land Acquisition Project,
Dharapuram Taluk,
Tiruppur.
- 3.The Assistant Divisional Engineer,
Highway Department,
Dharapuram.

+1cc to Mr.M.Guruprasad, Advocate SR.No.17834

+1cc to Government Pleader SR.No.18268

LN(CO)
GMY(04/03/2019)

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