

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.03.2019

CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7987 of 2019

P.Ramani

... Petitioner

Vs.

1.The District Collector,
Chennai District, Chennai.

2.The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035.

3.The Special Tahsildar, (LA)5,
Tamil Nadu Housing Board,
Chennai - 600 035.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the second respondent to pay the enhanced amount of Rs.4,600/- per cent as per the proceedings of the first respondent in Na.Ka.357/2006/F2, dated 11.05.2018 to the petitioner as per the representation, dated 09.02.2019.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.M.Elumalai
Government Advocate for R1 & R3

Mr.M.Baskar
Standing Counsel for R2

O R D E R

By consent, this Writ Petition is taken up for final disposal. Mr.M.Elumalai, learned Government Advocate takes notice for the respondents 1 & 3; Mr.M.Baskar, learned Standing Counsel takes notice for the second respondent.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the second respondent to pay the enhanced amount of Rs.4,600/- per cent as per the proceedings of the first respondent in Na.Ka.357/2006/F2, dated 11.05.2018 to

the petitioner, by considering his representation, dated 09.02.2019.

3. The petitioner's land in Survey No.234/44, measuring to an extent of 0.22 cents situated at Sholinganallur was acquired by the third respondent, by issuing 4(1) notification, dated 02.07.1990, under the Land Acquisition Act, 1894 and Award was passed by the third respondent in Award No.4 of 1993, by fixing a sum of Rs.500/- per cent. In Reference, the Award amount was enhanced from Rs.500/- to Rs.10,000/- per cent by the learned Subordinate Judge, Poonamallee in L.A.O.P.No.426 of 1993 batch. In the appeal filed by the Government, this Court, by Judgment and Decree, dated 18.09.2003, reduced the compensation from Rs.10,000/- to Rs.4,600/- per cent, which was also confirmed by the first respondent vide order dated 11.05.2018. Hence, the petitioner made a representation to the second respondent on 19.02.2019 for enhancement of compensation from Rs.500/- to Rs.4,600/- per cent. Since the said representation was not evoked any response, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents 1 and 3 would submit that the second respondent-Housing Board has to sanction the amount and deposit it to the third respondent, and thereafter, the amount will be disbursed.

5. In the light of the submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the second respondent to consider the petitioner's representation dated 09.02.2019, and pass orders 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.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The District Collector,
Chennai District,
Chennai.

2.The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035.

3.The Special Tahsildar, (LA)5,
Tamil Nadu Housing Board,
Chennai - 600 035.

+1cc to Mr.M.Baskar, Advocate, S.R.No.27530

+1cc to the Government Pleader, S.R.No.27485

+1cc to Mr.S.Arivazhagan, Advocate, S.R.No.26962

W.P.No.7987 of 2019

MG (CO)

RRS (07/05/2019)



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