

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.10854 of 2019
and W.M.P.No.11295 of 2019

Jagtar Singh Jandu

... Petitioner

Versus

1.The Divisional Engineer
Projects, Division-I,
C/o.Alandur Municipality Office,
Chennai-600 016.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar [LA],
Inner Ring Road Scheme,
Chrompet, Chennai-44.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the second respondent to refer the petitioner's enhanced compensation claim to civil Court [Tambaram Sub Court] as per the recommendation of the 3rd respondent communication in Na.Ka.54/2015/A2 dated 08.02.2018.

For Petitioner : Mr.Vijayakumar.D
For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the the second respondent to refer the petitioner's enhanced compensation claim to civil Court [Tambaram Sub Court] as per the recommendation of the 3rd respondent communication in Na.Ka.54/2015/A2 dated 08.02.2018.

2 Heard the learned counsel for the petitioner.
Records perused from the documents.

3 This Court finds that the land of the writ petitioner was acquired for Inner Ring Road Scheme and compensation was paid. Not satisfied with the compensation, the writ petitioner has filed an appeal for enhanced compensation as early as 26.08.2011 and the District Collector who is bound to refer the matter to the Sub Court for adjudication, has not so far acted upon it and hence the present writ petition is filed seeking for direction to refer the petitioner's application for enhanced compensation.

4 Despite notice, the respondent has not taken any initiation to act upon the representation. Hence, this Court constrained to pass final order without assistance of the respondent. The record reveals that under award 13 of 2009 dated 30.10.2009, land of the petitioner was acquired a sum of Rs.70,44,858/- was paid as compensation and the same has been received. However, being unsatisfied of the compensation amount, the petitioner has made a representation to the District Collector, who is the authority competent to refer the matter to the Sub Judge for adjudication on his request for enhanced compensation. The Office of the Collector has slept over the request inspite of several representations as well as even after filing the writ petition.

5. In the said circumstances, the second respondent is hereby directed to forward the petition dated 26.08.2011 seeking enhancement to the Sub Court, Tambaram within three weeks from today. Accordingly, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Sub Court,Tambaram

2.The Divisional Engineer
Projects, Division-I,
C/o.Alandur Municipality Office,
Chennai-600 016.

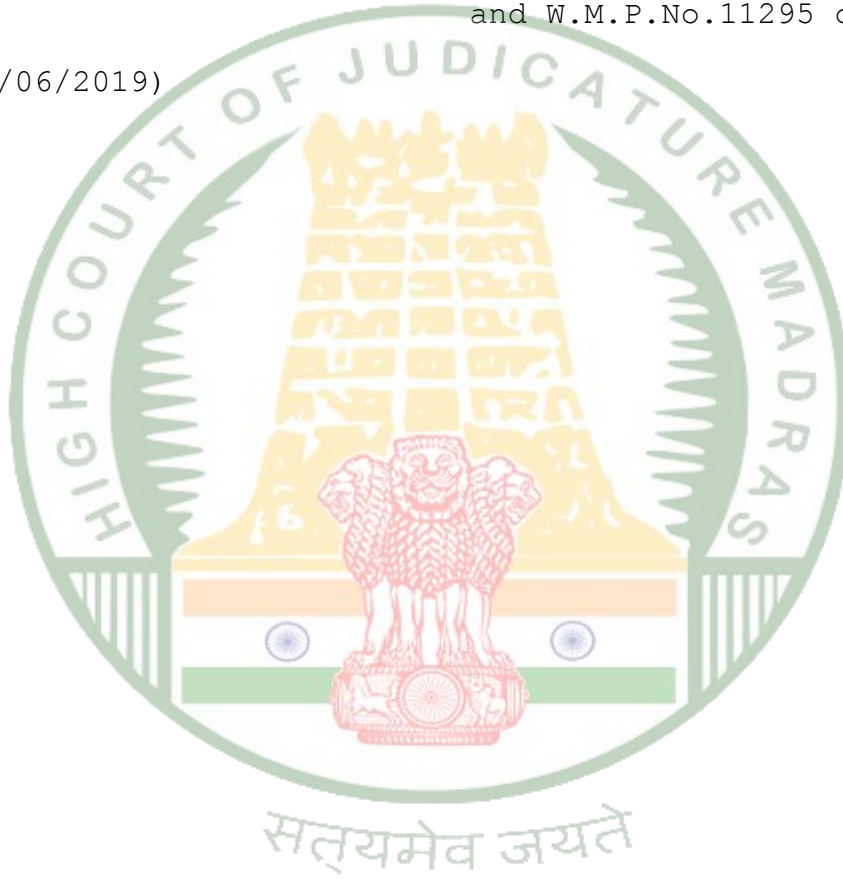
3.The District Collector,
Kancheepuram District,
Kancheepuram.

4.The Special Tahsildar [LA],
Inner Ring Road Scheme,
Chrompet, Chennai-44.

+lcc to Mr. Vijayakumar.D, Advocate SR.No. 46658

and W.M.P.No.11295 of 2019

A.SK(11/06/2019)



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