

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.11492 of 2019

S.Sarup Chand

... Petitioner

Vs.

1.The Land Acquisition Officer cum
District Collector,
Villupuram District,
Villupuram.

2.The Special Officer (LA)-I,
SIPCOT,
Tindivanam,
Villupuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 25.02.2019 within a stipulated period.

For Petitioner : Mr.Govi Ganesan K.

For R1 & R2 : Mr.M.Elumalai,
Government Advocate

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 25.02.2019 within a stipulated period.

2.The learned counsel appearing for the petitioner would submit that the writ petitioner filed a writ petition before this Court in W.P.No.23717 of 2016, challenging the land acquisition proceedings initiated by the respondent Department and this Court by an order dated 13.02.2018, allowed the writ petition by quashing the land acquisition proceedings and directed the respondents to issue fresh notice and commence fresh acquisition proceedings in accordance with law.

3. Pursuant to the said order, the respondent Department has issued the Notice dated 02.11.2018 under Section 3(2) of the TamilNadu Act 10/99 as to why the lands of the petitioner should not be acquired for industrial purpose. On receipt of the same the petitioner submitted his detailed objection and also sought for personal hearing. In the personal hearing it was informed that the land acquisition proposal cannot be dropped and the compensation as arrived during the year 2015 will be paid to him. Hence on 25.02.2019, the petitioner sent a representation requesting the respondents to pay a just and reasonable compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013. So far no order has been passed, hence, he filed the present writ petition.

4. The learned counsel for the petitioner further submitted that the petitioner is entitled for the compensation amount under the present notification issued by the respondent Department. He further submitted that the petitioner is having apprehension that the respondent Department had determined the compensation based on the earlier notification which was quashed by this Court.

5. The learned Government Advocate submitted that the petitioner on apprehension filed the present writ petition before this Court. The petitioner has approached this Court at the pre-mature stage and therefore, the said writ petition is not maintainable and the same is liable to be rejected.

6. By considering the said submission of the learned Government Advocate that the writ petitioner on apprehension has approached this Court, seeking for the aforesaid relief. Therefore, this Court considered that the writ petitioner has approached this Court at the pre-mature stage. Consequently, the writ petition is dismissed as not maintainable. If any grievance, it is always open to the petitioner to seek his remedy, at the appropriate stage.

7. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.
ah

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

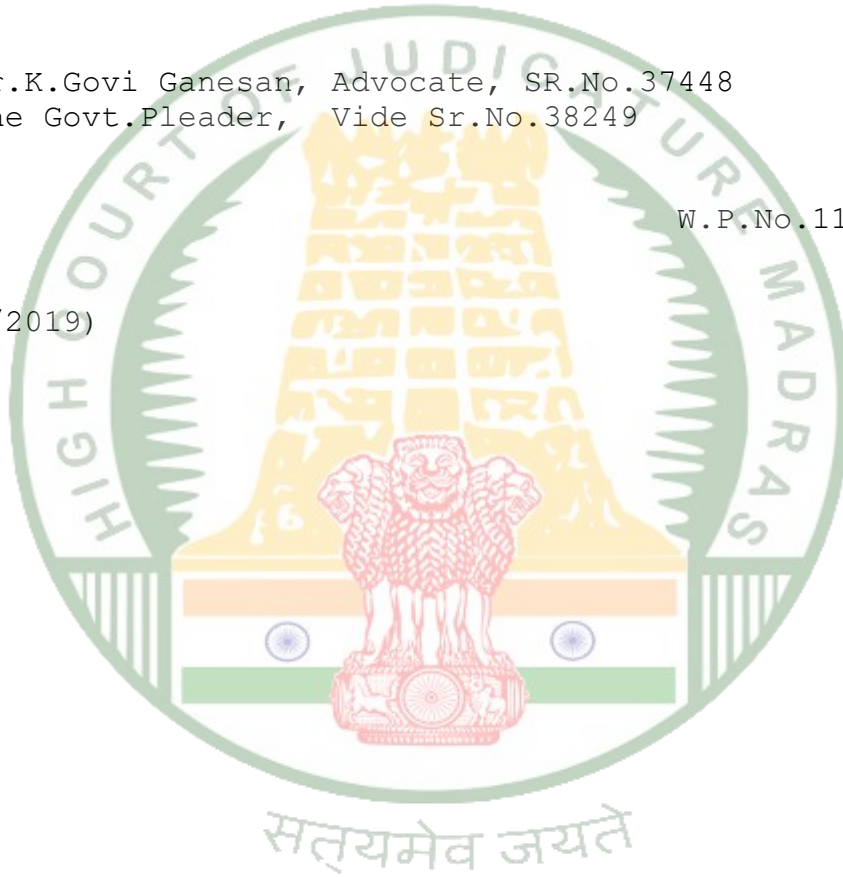
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District Collector,
Villupuram District,
Villupuram.

2.The Special Officer (LA)-I,
SIPCOT,
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Villupuram District.

+1cc to Mr.K.Govi Ganesan, Advocate, SR.No.37448
+1cc to the Govt.Pleader, Vide Sr.No.38249

W.P.No.11492 of 2019

Kak(28/05/2019)



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