



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.29923 of 2019

1.S.Dhakshaini

2.K.Kumar

3.R.Gowri

4.B.Lalitha

5.B.Elango

... Petitioners

Versus

1. The Tahsildar,
Ganesh Nagar,
Porur, Chennai - 116.

2. The District Collector,
First Floor, Collectorate,
Tiruvallur - 602 001.

3. The District Revenue Officer,
Master Plan Complex,
NH 205, Tiruvallur,
Tamil Nadu - 602 001

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to dispose of the representation dated 24.07.2019 for inclusion of the name of the 1st and 3rd petitioner in order to obtain the interim compensation determined for acquisition of the land in S.No.640/19B and S.No.640/22.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.D.Raja,

Additional Government Pleader



O R D E R

The petitioners herein have filed this Writ Petition seeking Writ of Mandamus to direct the respondents to dispose the representation dated 24.07.2019 by including the name of the first and third respondent in order to obtain the interim compensation determined for the land acquired by the respondents. The representation of the petitioner given to the Tahsildar indicates that the land owned by one Krishnan was acquired under the Tamil Nadu Highways Act and compensation has been given in favour of Lalitha, Kumar and Ragupathy who are all legal heirs of the Krishnan.

2. According to the petitioner, there were other few legal heirs of Krishnan and their names were omitted in the award. Hence, through the representation dated 24.07.2019, the request of the Tahsildar to include the name of S.Dhakshaini and R.Gowri as the legal heirs of Late.Krishnan and give 1/5 share to each of the petitioners from the interim award passed by the Tahsildar order dated 14.12.2017.

3. Perused of record disclosed that, notice was served to Lalitha, the Writ Petitioner No.4, Ilango, Writ Petitioner No.5 and Kumar, Writ Petitioner No.2. The Tahsildar has directed them to produce the original title deed, Encumbrance Certificate for 30 years, Patta copy, Tax receipt, Bank Passbook and Bank account within 10 days i.e., 29.12.2017 for disbursing the compensation.

4. It is also stated in the said notice, if they failed to furnish the documents, the money will be deposited in the C.C.D account. The petitioners after lapse of two years has given a representation dated 24.07.2019 to include two more persons and filed this Writ Petition seeking Writ of Mandamus. When opportunity was given to the Writ Petitioners 2,4 and 5 to furnish details such as title deed, they have not availed the opportunity. After lapse of two years they have given representation to include few more persons as legal heirs of Krishnan and disburse the award amount. It is for the petitioners to approach the Tahsildar with all the necessary documents which was sought from them by the Tahsildar through his notice dated 04.12.2017. Without furnishing those documents having slept over for more than two years, the petitioners have approached this Court, seeking Writ of Mandamus.

5. This Court on perusing the records find that the relief sought by the petitioner can be considered by the respondent only on production of documents and not otherwise.



6. Hence, it is open to the petitioner herein to produce all those documents mentioned in the notice dated 14.12.2017 issued by the Tahsildar and seek remedy.

7. Accordingly, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

nvi

To

1. The Tahsildar,
Ganesh Nagar,
Porur, Chennai - 116.

2. The District Collector,
First Floor, Collectorate,
Tiruvallur - 602 001.

3. The District Revenue Officer,
Master Plan Complex,
NH 205, Tiruvallur,
Tamil Nadu - 602 001

+2 Ccs to Mr.R.Karthikeyan, Advocate sr 98763.

+1 CC to The Govt. Pleader sr 98911.

W.P.No.29923 of 2019

CP(CO)
SP(10/01/2020)