

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24..01..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.30346 of 2018

G.Vallimuthu

... Petitioner

-Versus-

- 1.Government of Tamil Nadu,
Rep. by its Secretary,
Housing & Urban,
Development, (UD III(I) Department),
Secretariat, Chennai 600009.
- 2.The Land Acquisition Officer (LA) III and Tahsildar,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai-8.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to refer the Award No.2 of 1993 dated 19.05.1993 insofar as the the petitioner's land is concerned to the learned VI Assistant Judge, City Civil Court, Chennai under Section 18 (1) of the Land Acquisition Act, 1894.

For Petitioner : Ms.T.Jayanthi

For Respondent(s) : Mr.M.Elumalai, GA for
R1 & R2

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 2nd respondent to refer the Award No.2 of 1993 dated 19.05.1993 under Section 18(1) of the Land Acquisition Act, 1894, insofar as it relates to the petitioner's land to the learned VI Assistant Judge, City Civil Court, Chennai.

2. The case of the petitioner, his land measuring an extent of 4.13 Acres comprised in old S.No.58/1 and New S.No.58/16 at Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District, was acquired by the respondent under the provisions of the said Act for the purpose of establishing a whole sale market and providing Truck Parking Terminal near Koyambedu Bus

Stand as early as in the year 1990 and the award was passed on 19.05.1993. Not being satisfied with the award, he filed an objection seeking for enhanced compensation. The grievance of the petitioner is that though vast extent of his land had been acquired in the year 1990 and award was also passed on 19.05.1993, despite repeated reminders in writing, his application for enhancement of the compensation, which was made as early as on 05.07.1993, has not yet been considered and the award has not been referred to the jurisdictional civil court under Section 18(1) of the above said Act for the determination of appropriate and adequate compensation for the acquired land.

3. Earlier notice was ordered to the respondents. Today, the learned Government Advocate appearing for the respondents, on instructions, submitted that the application of the petitioner has been referred to the jurisdictional civil court and the same is now pending before the learned VI Assistant Judge, City Civil Court, Chennai.

4. In the light of the above, this writ petition is closed recording the submissions of the learned Government Advocate. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Secretary, Housing & Urban, Development, (UD III(I) Department), Secretariat, Chennai 600009.

2.The Land Acquisition Officer (LA) III and Tahsildar, Chennai, Metropolitan Development Authority, No.1, Gandhi Irwin Road, Egmore, Chennai-8.

+1cc to Mr.T.Jayanthi, Advocate, S.R.No.6388

+1cc to the Government Pleader, S.R.No.6019

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SVI (CO)
GSP(06/03/2019)