



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.4447 of 2019

V.Eswaran

... Petitioner

vs.

1) The Tahsildar,
Land Acquisition,
Theni, Theni District.

2) The District Collector,
Theni, Theni District.

3) The Commissioner,
Office of the Theni Municipality,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to take action to issue notification under Section 4 of the Land Acquisition Act, 1894 in respect of survey nos.233/1 and 233/3 belongs to the petitioner situated in Allinagaram Village, Theni District within stipulated time granted by this Court.

For Petitioner: Mr.V.Eswaran,
Party in person

For RR 1 & 2 : Mr.M.Rajarajan,
Government Advocate

For RR 3 to 5 : Mr.R.Sunder Srinivasan

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the respondents to take action to issue notification under Section 4 of the Land Acquisition Act, 1894 in respect of survey nos.233/1 and 233/3 belongs to the petitioner situated in Allinagaram Village, Theni district.

2. Heard Mr.M.Rajarajan, learned Government Advocate appearing for the respondents 1 & 2.

3. The petitioner's land at S.Nos.233/1 and 233/3 situated at Allinagaram Village, Theni District has been allegedly obtained for



public purpose by the respondents without having acquire the land in the manner known to law and without paying any compensation to the petitioner. Therefore, the petitioner has given a representation to the respondent on 04.10.2018. Despite the said representation having been given, the respondents have not acted upon, thereby the third respondent who is the authority to act upon on the said representation shall decide the same on merits. Therefore, the writ petitioner is before this Court.

4. The said issue is reiterated by the petitioner, who appeared party in person, in which he would submit that if his grievance as stated in the representation dated 04.10.2018 is addressed and decided on merits and in accordance with law, within a time frame that would be stipulated by this Court, then the petitioner would be satisfied.

5. I heard Mr.Hema Karthikeyan, learned counsel for the third respondent, who would submit that the said request of the petitioner dated 04.10.2018 would be considered and decided on merits within a time frame to be stipulated by this Court.

6. Considering the limited scope of the prayer sought for and with regard to the submissions made by both parties, this Court is inclined to pass the following order:

" that the third respondent is hereby directed to consider the representation dated 04.10.2018 on merits and in accordance with law and decide the same and pass final orders within a period of six weeks from the date of receipt of a copy of this order."

7. With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1) The Tahsildar,
Land Acquisition,
Theni, Theni District.

2) The District Collector,
Theni, Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>



3) The Commissioner,
Office of the Theni Municipality,
Theni, Theni District.

+1 CC to M/s.V.ESWARAN, Advocate (SR-77513[F] dated 25/07/2019)

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-77563[F] dated 25/07/2019)

+1 CC to M/s.SPL.GP (SR-105288[F] dated 17/12/2019)

Order made in
W.P. (MD) No.4447 of 2019
Dated:25.07.2019

dks (CO)
TR(20.12.2019) 3P 7C