

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 09.07.2019****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.15378 of 2019**

WEB COPY

T.Balakrishnan

... Petitioner

-Vs-

1. The Secretary,
National Highways Department,
Land Acquisition,
St. George Fort, Chennai.
2. The Secretary to the Government
of Tamil Nadu,
Revenue Department,
St. George Fort, Chennai.
3. The District Collector,
Sivagangai District.
4. The District Revenue Officer,
District Collector's Office,
Sivagangai.
5. The Revenue Divisional Officer,
District Collector's Office,
Sivagangai.
6. The Special Tahsildar,
National Highways Land Acquisition,
Section - 2,
Sivagangai District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioner's petition dated 06.03.2018 and to direct the 4th respondent to grant Rs.20,00,000/- as enhanced compensation for the demolition of three residential houses of the petitioner.

For Petitioner : Mr.Samuel James Devasagayam
For Respondents : Mr.M.Rajarajan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner's petition dated 06.03.2018 and to direct the 4th respondent to grant Rs.20,00,000/- as enhanced compensation for the demolition of three residential houses of the petitioner.



2. Heard Mr. Samuel James Devasagayam, learned counsel appearing for the petitioner and Mr. M. Rajrajan, learned Government Advocate appearing for the respondents.

3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that, the land of the petitioner has already been acquired for public purpose and the compensation also has been determined. However, insofar as the demolition of three residential houses, which were located in the subject land, which was acquired, the petitioner sought for enhanced compensation to the extent of Rs. 20,00,000/- and in this regard, he has made a petition to the 3rd respondent on 06.03.2018 and all that, the learned counsel appearing for the petitioner wants that the said representation of the petitioner to be decided by the 3rd respondent, on merits, within a time frame.

5. I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said petition will be decided by the 3rd respondent and before deciding the merits of the issue, there is limitation issue also involved in the said petition, which also, on merits, can be decided by the 3rd respondent and thereupon, the main issue raised in the petition can be decided.

6. Having regard to the said submissions made by both sides and taking into account the innocuous prayer sought for herein, this writ petition is disposed of with the following direction:

"The 3rd respondent is directed to consider the representation of the petitioner dated 06.03.2018 on merits and in accordance with law, including the limitation issue and pass final orders thereon, within a period of six weeks from the date of receipt of a copy of this order."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
National Highways Department,
Land Acquisition,
St. George Fort, Chennai.



2. The Secretary to the Government
of Tamil Nadu,
Revenue Department,
St. George Fort, Chennai.

3. The District Collector,
Sivagangai District.

4. The District Revenue Officer,
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Sivagangai.

5. The Revenue Divisional Officer,
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Sivagangai.

6. The Special Tahsildar,
National Highways Land Acquisition,
Section - 2,
Sivagangai District.

+1 CC to SPL GP (SR-74480[F] dated 10/07/2019)

+1 CC to Mr.SAMUEL JAMES DEVA SAGAYAM, Advocate (SR-74848[F] dated
11/07/2019)

Order made in
W.P.(MD)No.15378 of 2019
Dated:**09.07.2019**

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MK (27.08.2019) 3P 9C