



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.19844 of 2019

and

W.M.P (MD)No.16349 of 2019

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T.Karuppian

... Petitioner

vs.

1.The District Collector,
Thanjavur District.

2.The Special District Revenue Officer,
(Land Acquisition),
National Highways No.45-C,
(Vikravandi, Kumbakonam, Thanjavur),
Vilamal Thiruvavarur camp at Thanjavur.

3.The Secretary,
Rajanga Kallasa Sasthira Padasalai,
Vembakudi, Pabanasam Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to forthwith pay 75% of compensation together with solatium, interest and interest on belated payment till date of payment of compensation to the petitioner for acquisition of land in S.No.110/1 situated in Vembakudi Village, Pabanasam Taluk, Thanjavur District.

For Petitioner : Mr.P.Vadivel

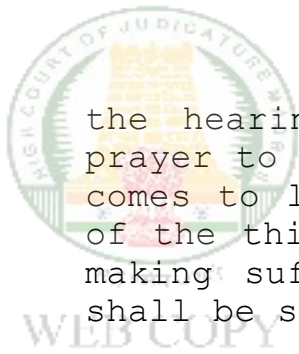
For Respondents : Mr.M.Rajarajan
Government Advocate
for R.1 and R.2

ORDER

Mr.P.Vadivel, learned counsel on record for writ petitioner is before this Court.

2.Mr.M.Rajarajan, learned Government Advocate, accepts notice on behalf of respondents 1 and 2.

<https://hcservices.courts.gov.in/hcservices/> 3. It is noted, third respondent is a private respondent. In



the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it comes to light that an order, which is not adverse to the rights of the third respondent (private respondent) can be passed, after making sufficient and adequate safe-guards in this regard which shall be set out *infra* elsewhere in this order.

4. With consent of learned counsel on record for the writ petitioner and learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2 (official respondents), main writ petition is taken up, heard out and is being disposed of.

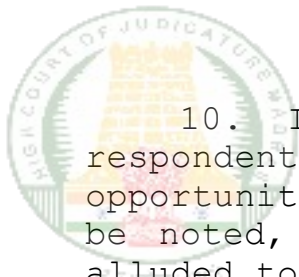
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 19.03.2019 wherein writ petitioner who is admittedly lessee under third respondent has sought compensation in the acquisition of demised property.

6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 19.03.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 19.03.2019 made by the writ petitioner (page No.24 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 19.03.2019 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

9. It is made clear that in the course of the representation being considered by the second respondent, if the right of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall put on notice and give reasonable opportunity to such third party / parties or third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.



10. It is also made clear with specificity that third respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. To be noted, this is the safeguard qua rights of third respondent alluded to supra.

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10. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

11. The proceedings / order of disposal shall be communicated by the office of the second respondent to the writ petitioner and third respondent under due acknowledgement within seven working days from the date of proceedings / order.

12. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Thanjavur District.

2. The Special District Revenue Officer,
(Land Acquisition),
National Highways No.45-C,
(Vikravandi, Kumbakonam, Thanjavur),
Vilamal Thiruvavarur camp at Thanjavur.

+1 CC to M/s.P.VADIVEL, Advocate (SR-87266[F] dated 18/09/2019)

+1 CC to M/s.SPL GP (SR-87578[F] dated 18/09/2019)

W.P (MD) No.19844 of 2019
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