



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD) No.23347 of 2016

T.Ashokan ... Petitioner
vs.

- 1.The State of Tamilnadu represented through its District Collector, Virudhunagar District, Virudhunagar.
- 2.The Special Tahsildar(Land Acquisition), The office of the Special Tahsildar, Madavarvalagam, Srivilliputtur. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to disburse the entire compensation together with the statutory benefits due to the petitioner pursuant to the order in C.M.A.No.47 of 2000 dated 29.04.2008 on the file of the Subordinate Court, Srivilliputtur, within a time as stipulated by this Court.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.M.Rajarajar
Government Advocate

ORDER

Mr.A.Sivaji, 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.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 20.02.2016 wherein the writ petitioner sought



disbursement of compensation / enhancement award for writ petitioner's land that were acquired. To be noted, enhancement is vide judgment dated 29.04.2008 in C.M.A.No.47 of 2000, on the file of the Subordinate Court, Srivilliputhur.

5. 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 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 20.02.2016.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 20.02.2016 made by the writ petitioner (page Nos.24 & 25 of the typed set of papers forming part of the case file).

7. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall give reasonable opportunity to such third party / parties or any other 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.

8. The aforesaid representation dated 20.02.2016 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.

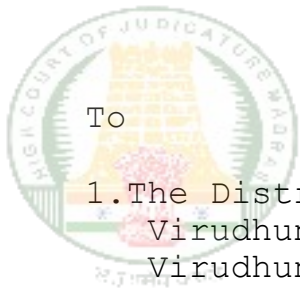
9. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Special Tahsildar(Land Acquisition),
The office of the Special Tahsildar,
Madavarvalagam,
Srivilliputtur.

+1 CC to M/s.GP (SR-86569[F] dated 13/09/2019)

+1 CC to M/s.A.SIVAJI, Advocate (SR-86732[F] dated 16/09/2019)

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12.09.2019

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JM/23.09.2019/3P/5C