

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 29912 of 2013

1. Mrs.S.Vasanthi
2. Mrs.V. Mohana
3. Mrs.G.Sarala

...Petitioners

-vs-

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Special Tahsildar(Land Acquisition),
Oragadam Industrial Park
Road Construction Plan Office,
Sriperumpudur, Kancheepuram District. ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to make a reference of Claim for enhancement by an objection made by the petitioners in their representation dated 27.02.2013 by referring to Competent Jurisdictional Court under Section 20 of the Tamil Nadu Highways Act, 2011 and Section 18(2) of Land Acquisition Act, 1894 for redetermination of enhancement of quantum of compensation for the acquisition of the land of an extent 838 sq.mts as comprised in Survey No.6/2A (New Survey No. 6/2A1), 165, Venbakkam Village, Kancheepuram District.

For Petitioners: Mr.K.U. Sale Murugan

For Respondents: Mr.M.Elumalai
Government Advocate

WEB COPY
ORDER

Heard Mr.K.U.Sale Murugan, learned counsel for petitioners and Mr.M.Elumalai, learned Government Advocate for the respondents.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. This writ petition has been filed seeking for issuance of a writ of mandamus, to direct the respondents to consider the petitioner's representation dated 27.02.2013 and refer the matter under Section 20 of the Tamil Nadu Highways Act, 2011 (hereinafter referred to as 'the Act') for redetermination of enhancement of quantum of compensation payable for the land, which has been taken over.

4. Before examining as to whether the relief sought for can be granted or not, it is to be noted that the petitioner has no right for more than one reason. Firstly, the prayer has been well beyond the period of limitation for seeking a reference, which should have been done within 60 days from the date of the award and the present representation of the petitioner is after 305 days, which is barred by limitation. The second reason is that the petitioner is a purchaser of the property after notification was issued under Section 15(2) of the Act, on 20.06.2009. The petitioner purchased the property on 05.04.2010, which is subsequent to the notification issued on 20.06.2009 and therefore, the petitioner would not be entitled to seek for any claim for enhancement of compensation and if at all such a claim should have been raised, it should have been raised by the petitioner's vendor Mr.Krishnamohan. That apart, the petitioner has also received the compensation amount in the capacity of the purchaser on behalf of the original land owner Mr.Krishnamohan. The present attempt of the petitioner is a belated attempt, which cannot be permitted under law.

For the above reasons, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//
Sub Assistant Registrar

mp

To

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Special Tahsildar(Land Acquisition),
Oragadam Industrial Park
Road Construction Plan Office,
Sriperumpudur, Kancheepuram District.

+1cc to Mr.P.C.Thiyagu, Advocate SR.166
+1cc to the Government Pleader SR.456

W.P.No.29912 of 2013

SR(CO)
CB(13/02/2020)



WEB COPY