



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

WP.No.14714 of 2020 &
WMP.No. 18286 of 2020

Jayakumar

... Petitioner

Vs.

1. The State represented by
the Commissioner of Land Administration,\
(Land Acquisition),
Fort St. George, Chennai-5.

2. The Special District Revenue Officer,
(Land Acquisition).
Chennai-Kanniyakumari Industrial
Corridor Project, Plot No.16,
Plot No.16, Visalakshi Nagar,
Chellimedu, Kancheepuram 631 502.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorari to call for the records in (Roc.No.CKICP/CLA/15(1)VSH-69/26/2020), Gazette Notification in No.VI(1)279(a-11)2020 dated 21.08.2020 Vis-a-Vis the land and building admeasuring 337 ½ sq.ft. Comprised in Old S.No.92/37, New S.No.501/20, situated at U.Keeranur Village, Ulundurpet Taluk, Villupuram District on the file of the 1st respondent and quash the same.

For Petitioner : Mr.D.Rajasekar

For Respondents: Mr. Anandamurthy, AGP

O R D E R

This Writ Petition has been filed challenging the notification issued by the 1st respondent under section 15(1) of the Tamil Nadu High Ways Act 2001.

2. The case of the petitioner is that he entered into an agreement of sale with respect to the subject property and since the owner of the property did not comply with the conditions of agreement, the petitioner filed a suit in O.S.No.68 of 1998 on



the file of the Sub Court, Villupuram seeking for the relief of specific performance. This suit came to be dismissed by a judgment and decree dated 27.11.1993. Aggrieved by the same, the petitioner filed an appeal in A.S.No.312 of 1996 before this Court. The said appeal was allowed by a judgment and decree dated 17.12.2009. The petitioner has put this decree on execution in E.P.No.103 of 2017 and the same is pending.

3. According to the petitioner, the judgment and decree passed by this Court has become final and no further appeal was filed by the owner of the property. The grievance of the petitioner is that he was not put on notice before the notification was issued under section 15(1) of the Tamil Nadu High Ways Act. The learned counsel for the petitioner submitted that he will confine his relief in the writ petition in so far as receipt of compensation alone and he will not press the main relief, wherein, the notification issued by the 1st respondent has been put to challenge.

4. Heard Mr. D. Rajasekar, learned counsel appearing for the petitioner and Mr.V.Anandamurthy, learned Addl. Govt. Pleader, appearing for the respondents.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioner has sought for a limited relief of receipt of compensation for the lands acquired by the respondents, there shall be a direction to the 2nd respondent to consider the claim made by the petitioner for compensation and issue notice to the petitioner before conducting the enquiry. This direction issued to the 2nd respondent will sufficiently safeguard the rights of the petitioner who has acquired the right over the subject property pursuant to the decree passed by this court. The petitioner is directed to make a fresh representation to the Special District Revenue Officer, Land Acquisition, namely, the 2nd respondent herein along with all the relevant documents and a copy of this order.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Commissioner of Land Administration,
(Land Acquisition), State of Tamil Nadu
Fort St. George, Chennai-5.

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2. The Special District Revenue Officer,
(Land Acquisition).
Chennai-Kanniyakumari Industrial
Corridor Project, Plot No.16,
Plot No.16, Visalakshi Nagar,
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+1 CC to Mr.D.Rajasekar, Advocate sr 34497.

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GJ(CO)
SP(11/11/2020)