

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14975 of 2020

T.A.Adhinarayanan

...Petitioner

..Vs..

1.The District Collector,
Chennai District,
Rajaji Salai, Chennai - 600 001.

2.The District Revenue Officer,
Chennai District,
Rajaji Salai, Chennai - 600 001.

3.The Revenue Divisional Officer,
Thiruvottiyur Revenue Division,
Tondiarpet,
Chennai - 600 081.
(In-charge of Special Tahsildar
M.M.R.D. Scheme)

4.The Chief Engineer,
(M.M.R.D) Tamil Nadu Urban Development Programme,
Alandur, Chennai - 600 016.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to determine the present market value for the lands for the appropriate compensation amount to the petitioner's own lands situated in S.No.49/2, No.35, Mathur Village, Saidapet Taluk, Chengalpet District, presently Madhavaram Taluk, the then Thiruvallur District, presently Chennai District in an extent of 6558 sq.ft utilized by the respondents for the formation of the road under M.M.R.D Scheme, thereby to pay the appropriate compensation amount to the petitioner as per the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2013 with 100% Solatium at the admissible rate of interest payable to the petitioner as compensation pursuant to the petitioner's representation dated 01.06.2020 made to the respondents within the time framed fixed by this Hon'ble Court.

For Petitioner : Mr.S.Srinivasan

For Respondents: Mr.D.Raja,
Additional Government Pleader

ORDER

This Writ Petition has been filed for issue of Writ of Mandamus directing the respondents to act upon the representation made by the petitioner on 01.06.2020, wherein the petitioner is seeking for compensation to be determined under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013.

2. The case of the petitioner is that he is owner of the subject property by virtue of sale deed dated 06.03.1985. The further case of the petitioner is that the subject property along with larger extent of lands were acquired and according to the petitioner his objections were not properly considered and an award came to be passed on 26.04.1989. The further case of the petitioner is that the award was passed without including the name of the petitioner in the award and the subject property has already been put to use by the 4th respondent.

3. The petitioner made a representation on 08.02.2020 requesting the 3rd respondent to determine the compensation for his property as per Section 24 of the 2013 Act. The petitioner also placed reliance upon the proceedings of the DRO, Chennai dated 28.07.2020, wherein the DRO has directed the 3rd respondent to act upon the representation made by the petitioner and take a decision. Grievance of the petitioner is that till date the representation has not been considered and the compensation has not been determined in accordance with the 2013 Act.

4. Mr.D.Raja, learned Additional Government Pleader appealing on behalf of the respondents vehemently opposed the relief sought for by the petitioner on the ground that the award proceedings were already concluded in the year 1989 itself and the petitioner is not entitled for any compensation under the new Act.

5. The learned counsel submitted that if this Court issues any direction to the 3rd respondent, the same will be decided strictly in accordance with law within the time frame fixed by this Court.

5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case and also considering the limited relief sought for in the writ petition, there shall be a direction to the 3rd respondent to consider

the representation made by the petitioner on 01.06.2020 and deal with the same strictly in accordance with law and pass orders within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with all relevant documents and also a copy of this order. The 3rd respondent is directed to hear the petitioner before passing the orders as directed by this Court.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Chennai District,
Rajaji Salai, Chennai - 600 001.

2.The District Revenue Officer,
Chennai District,
Rajaji Salai, Chennai - 600 001.

3.The Revenue Divisional Officer,
Thiruvottiyur Revenue Division,
Tondiarpet,
Chennai - 600 081.

(In-charge of Special Tahsildar
M.M.R.D. Scheme)

4.The Chief Engineer,
(M.M.R.D) Tamil Nadu Urban Development Programme,
Alandur, Chennai - 600 016.

+1cc to M/s.S.Srinivasan, Advocate in SR.NO..34988

+1cc to the Government Pleader in SR.NO..35041

W.P.No.14975 of 2020

CP(CO)
RV(08/12/2020)