



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7437 of 2020

WEB COPY

S.Ghouse Mohammed Musthafa

... Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy - 1, Trichy District.

2.The Land Acquisition Officer and
Revenue Divisional Officer,
R.D.O Office,
District Collector's Office,
Trichy - 1,
Trichy District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents herein to refer the Award No.Rc.A2/325/2000, dated 16.10.2003 to the competent civil Court under Sections 18 and 30 of the Land Acquisition Act, in the light of the petitioner's father's final representation dated 15.07.2019 within a stipulated time fixed by this Court.

For Petitioner : Mr.R.Sundar
For Respondents : Ms.V.P.M.Vaishnavi,
Government Advocate.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the respondents to refer the Award No.Rc.A2/325/2000, dated 16.10.2003 to the competent civil Court under Sections 18 and 30 of the Land Acquisition Act, in the light of the representation submitted by the petitioner's father dated 15.07.2019 within a stipulated time fixed by this Court.

2.Ms.V.P.M.Vaishnavi, learned Government Advocate takes notice for the respondents.



3. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

WEB COPY

4. According to the petitioner, the property, situated at Block 26, Ward J, Sengulam Village, Trichy District, which was belonged to the petitioner's father, was acquired by the second respondent for the purpose of widening the Highways road. Subsequently, an Award has been passed on 16.10.2003 and the petitioner's father received the compensation on 23.11.2006. Seeking for enhancement of compensation, the petitioner's father made a representation before the first respondent on 15.07.2019 under Section 18 of the Land Acquisition Act. Further, the petitioner's father made several representations to the authorities concerned, but no order has been passed so far. In the meantime, the petitioner's father died. Hence, the petitioner has approached this Court by way of filing this Writ Petition.

5. The learned Government Advocate appearing for the respondents 1 and 2 opposed the Writ Petition by stating that though the award has been passed in the year 2003, the petitioner's father made a representation on 15.07.2019 and after that there is no proper reason for the delay of more than 15 years in submitting the representation seeking for enhancement of compensation. She further submitted that the petitioner is eligible for enhancement of compensation or not has to be decided by the District Collector under the relevant Act.

6. On a perusal of the materials available on record, it is seen that the petitioner's father made a representation on 15.07.2019 to the first respondent seeking enhancement of compensation. However, the first respondent has not passed any orders so far. Moreover, the objection raised by the learned Government Advocate also has to be taken note of while considering the petitioner's representation.

7. Therefore, in view of the above, the writ petitioner is directed to make a representation to the first respondent / the District Collector, Trichy by enclosing a copy of representation made by the petitioner's father within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the first respondent / the District Collector, Trichy is directed to dispose of the representation submitted by the petitioner as well as the petitioner's father dated 15.07.2019 on merits and in accordance with law, without being influenced by any of the observations made in the order, within a period of twelve weeks thereafter.



8.This Writ Petition is disposed of in the above terms. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (AS)

/ /2020

Sub Assistant Registrar(CS)

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

ps
To

- 1.The District Collector,
District Collector's Office,
Trichy - 1, Trichy District.
- 2.The Land Acquisition Officer and
Revenue Divisional Officer,
R.D.O Office,
District Collector's Office,
Trichy - 1,
Trichy District.

Order made in
W.P. (MD)No.7437 of 2020
09.07.2020

KK(16.07.2020) 3P 3C