

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.5363 of 2018

T.M.Durai,
S/o.Munirathinam

... Petitioner

Vs.

1.The District Collector,
Thiruvallur,
Thiruvallur District.

2.The Commissioner,
Hindu Religious Charitable Endowment, (HR &CE),
Chennai.

3.The Revenue Divisional Officer,
(Land Acquisition Officer),
Thiruvallur,
Thiruvallur District.

4.The Joint Commissioner,
Hindu Religious Charitable Endowment, (HR &CE),
Thiruvallur, Thiruvallur District.

5.The Tashildar,
Thirutani,
Thiruvallur District.

6.The Executive Officer,
Arulmigu Subramania Swami Devasthanam,
Thirutani,
Thiruvallur District.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 14.02.2018 by enhancing the compensation amount for one cent as Rs.350 to Rs.1050 or more that may be fixed by this Court.

For Petitioner : Mr.S.Nagarajan

For Respondents: Mr.D.Raja
for R1, R3 and R5
M/s.G.N.Jayantheeswari

Government Advocate for
Mr.M.Karthikeyan

Additional Government Pleader
for R2 and R4
Mr.P.Gopalan for R6

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 14.02.2018 by enhancing the compensation amount for one cent from Rs.350/- to Rs.1050/-.

2.This writ petitioner himself stated that the award passed in the year 1982 by the third respondent stands lapsed in view of Section 24(2) of the Right of Fair Compensation and Transparency on Land Acquisition Rehabilitation and Resettlement Act 2013 and also stated that the possession was not taken from the petitioner.

3. In the prayer in the writ petition, the petitioner seeks only enhancement of the compensation amount from Rs.350/- to Rs.1050/- per cent. The petitioner in his representation dated 14.02.2018 sought for redetermination of compensation in tune with the judgement in A.S.No.347 of 1997. The petition has mixed up events and grievance ignoring the legal implication, obligations and rights arising under different statutes.

4.Having regard to the discrepancies in the pleadings and the contention in the affidavit filed in support of the writ petition, this Court is not inclined to entertain the writ petition for want of good faith as the petitioner has not approached this Court focussing a particular prayer.

5. When the Court was about to dismiss the writ petition, the learned Counsel for the petitioner seeks permission of this Court to withdraw the petition with liberty to file another writ petition for getting proper relief and he has also made an endorsement to that effect.

6. In view of the submissions and endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn with a liberty to the petitioner to seek proper relief in the manner known to law. No Costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Copy to

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Thiruvallur District.

+1cc to M/s.S.Nagarajan, Advocate SR.12456

+1cc to the Government Pleader SR.13360

W.P.No.5363 of 2018

PL(CO)
CB(01/04/2021)

सत्यमेव जयते

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