



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No. 8427 of 2021

T.Sabapathy

...Petitioner

Vs.

The Special Tashildar,
Land Acquisition,
Tamil Nadu Housing Board,
Cuddalore - 607 001.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to refer the enhancement compensation as per Section 18 of the Land Acquisition Act, 1894 and consequently, to consider the representation dated 05.01.2021.

For Petitioner : Mr. S.Udayakumar

For Respondent : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondent to refer the enhancement compensation as per Section 18 of the Land Acquisition Act, 1894 and consequently. to consider the representation dated 05.01.2021.

2. According to the petitioner, he is the absolute owner in respect of the vacant land situated at Kalamedu Village, Villupuram District, measuring to an extent of 1200 Sq.ft and the said property was purchased by way of registered a Sale Deed vide in Document No.759 of 1992 dated 10.06.1992. Thereafter, the Special Tahsildar (LA), Tamil Nadu Housing Board had acquired the larger extent of land including the petitioner's land during the year 1992 - 1995 without any intimation. In this regard, the petitioner sent a representation dated 18.06.1999 to the Special Tahsildar, TNHB, Cuddalore, stating that without any intimation to the petitioner, was sought to be acquired and if the petitioner's land was required, the petitioner may be given



alternative land or the petitioner may be paid a sum of Rs.125 per sqft., instead of 5375/- for 1200 sqft., without any enquiry, the respondent passed an award. Thereafter, the petitioner had raised an objection and requested the respondent to pay higher compensation and referred the matter to the civil Court as contemplated u/s.18 of the Land Acquisition Act, 1894. Thereafter, the petitioner sent a detailed representation dated 05.01.2021 to the Special Tahsildar, Land Acquisition, Tamil Nadu Housing Board, Cuddalore and requested him to intimate the reference made as early as 1999, but the petitioner has not received any communication from the Revenue Officials. Therefore, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's representation dated 05.01.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's representation dated 05.01.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gba/msm

To

The Special Tashildar,
Land Acquisition,
Tamil Nadu Housing Board,
Cuddalore - 607 001.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.50973

W.P.No.8427 of 2021

PCH (CO)
NSK (03/12/2021)