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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

C O R A M

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.15453 OF 2018

AND

W.M.P.NO.18339 OF 2018

- 1.Kotteeswaran
- 2.Ramanan
- 3.Radhabai
- 4.Baby Ammal
- 5.Lakshmi Ammal
- 6.Manickam Ammal
- 7.Mohana

3 to 7 represented by their Power agent
Kotteeswaran, 1st petitioner

...Petitioners

Vs

- 1.The District Collector,
Vellore District,
Collectorate Complex,
Vellore.
- 2.The Revenue Divisional Officer,
Ranipet Town,
Vellore District - 606 701.
- 3.The Chief Engineer,
Gauge Conversion,
Southern Railways,
Chennai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus directing the respondents herein to consider and pass appropriate orders on the petitioner's representation dated 25.09.2017 requesting the respondents to immediately take steps to refer the acquisition Award No.4/2009 dated 16.09.2009.

For Petitioners : M/S.V.Prakash Babu



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For R1 & R2 : Mrs.C.Meera Arumugam
Additional Government Pleader

For R3 : Mr.P.T.Ram Kumar
Standing Counsel

ORDER

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to direct the respondents herein to consider and pass appropriate orders on the petitioner's representation dated 25.09.2017 requesting the respondents to immediately take steps to refer the acquisition Award No.4/2009 dated 16.09.2009.

2. According to the petitioners, the 2nd respondent acquired the lands belonged to the mother of the petitioners and passed award. The petitioners, being legal heir of the original owner, raised their objections and requested the 2nd respondent to refer the award to the Subordinate Court, Arakkonam. However, as there was no response, the 1st petitioner made a representation to the 1st respondent dated 25.09.2017 which also evoked no response. Therefore, this Writ Petition has been filed before this Court to pass appropriate orders.

3. Per contra, Mrs.C.Meera Arumugam, learned Additional Government Pleader for the respondents would submit that in the present case, entire award amount was accepted without any protest and no protest petition was also filed objecting the quantum of the award. Therefore, the 2nd respondent has not taken any steps to refer the award to the Subordinate Court, Arakkonam.

4. However, the learned counsel for the petitioners submits that the petitioners have already filed the protest petition. But this Court is not in a position to ascertain whether the protest petition was received by the respondents, which was said to have made at the time of receipt of the award by the petitioner.

5. Therefore, this Court directs the respondents to consider and dispose of the representation of the petitioner dated 25.09.2017 by taking into consideration of the protest petition if any filed by the petitioner at the time of the receipt of the award amount on merits and in accordance with law, after affording an opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order.



6 With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

sp/jd

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Vellore.
- 2.The Revenue Divisional Officer,
Ranipet Town,
Vellore District - 606 701.
- 3.The Chief Engineer,
Gauge Conversion,
Southern Railways, Chennai.

+1cc to Mr.P.T.Ramkumar, Advocate Sr.No.64688

+1cc to the Government Pleader Sr.No.65339

W.P.No.15453 of 2018

PMK (CO)
RVM(16/02/2022)