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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.17067 OF 2021

Z.Jebamani

... Petitioner

-Vs-

1. The Special Deputy Collector,
Tamil Nadu Urban Development Scheme - III,
New Street,
Super Bazzar Shopping Complex,
Alandhur,
Chennai - 600 016.
2. The Assistant Divisional Engineer (Highways),
Construction and Maintenance,
Tambaram Sub Division,
Office of the Construction and Maintenance,
Tambaram,
Chennai - 600 042.
3. The Special District Revenue Officer,
Land Acquisition,
Highways Department,
City Section, Alandhur,
Chennai - 600 016.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to act upon the representation of the petitioner dated 17.02.2021 and consequently direct the third respondent to fix the quantum of compensation liable to be paid to the petitioner for the acquisition of her land measuring about 98.4 sq.metre, comprised in Survey No.414/3 in Senthamil Nagar, Velachery Main Road, Madevakkam Village, Sholinganallur Taluk, Chengalpet District formerly Kancheepuram District under Sections 19(5) and 19(7) of Tamil Nadu Highways Act 2001 (Tamil



Nadu Act 34/2002) and under Section 15(2) and 15(1) of Land Acquisition Act.

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For Petitioner : Mr.T.Gowthaman

For Respondents: Mr.G.Krishna Raja
Additional Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to act upon the representation of the petitioner, dated 17.02.2021 and consequently direct the third respondent to fix the quantum of compensation liable to be paid to the petitioner for the acquisition of her land measuring about 98.4 sq.metre, comprised in Survey No.414/3 in Senthamil Nagar, Velachery Main Road, Madevakkam Village, Sholinganallur Taluk, Chengalpet District formerly Kancheepuram District under Sections 19(5) and 19(7) of Tamil Nadu Highways Act 2001 (Tamil Nadu Act 34 of 2002) and under Section 15(2) and 15(1) of Land Acquisition Act.

2. Heard Mr.T.Gowthaman, learned counsel appearing for the petitioner and Mr.G.Krishna Raja, learned Additional Government Pleader appearing for the respondents.

3. This writ petition as been filed for direction, directing the third respondent to fix the quantum of compensation liable to be paid to the petitioner for the acquisition of her land ad-measuring 98.4 sq.metres comprised in Survey No.414/3 in Senthamil Nagar, Velachery Main Road, Madevakkam Village, Sholinganallur Taluk, Chengalpet District. However, the third respondent forwarded the communication dated 24.11.2021 in RC.No.843/2021/B1/TNUDP/CGT revealed that the subject land is not covered by the land acquisition proceedings initiated by the Special Deputy Collector (Land Acquisition) and no notice was also issued to the petitioner. Therefore, the representation of the petitioner dated 07.08.2018 was rejected in respect of the land comprised in Survey No.414/3 for which the petitioner is claiming compensation is not covered under the land acquisition proceedings initiated by the Special Deputy Collector (Land Acquisition).

4. It is needless to say if any acquisition proceedings initiated in respect of the subject property, it is only by due process of law.



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5. Recording the said submissions. This writ petition is closed. There shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Special Deputy Collector,
Tamil Nadu Urban Development Scheme - III,
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Super Bazzar Shopping Complex,
Alandhur,
Chennai - 600 016.
2. The Assistant Divisional Engineer (Highways),
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Land Acquisition,
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Chennai - 600 016.

+1cc to Mr.T.Gowthaman, Advocate, S.R.No.66540
+1cc to the Government Pleader, S.R.No.67075

W.P.No.17067 of 2021

PM/23/12/2021