



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17970 of 2021

D. Radha

... Petitioner

Versus

The District Collector /Arbitrator,
O/o. Thiruvalluvar District Collectorate,
Master Plan Complex,
NH 205, Chennai - Tirutani Highways,
Thiruvallur - 602 001.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to dispose the petitioner's appeal dated 18.11.2020 filed under the National Highways, Land Acquisition Act 1956 U/s.3 G(5) for enhancement of compensation in respect of the compensation paid in proceedings RC.No.1028/219/NH-5 dated 26.12.2019 and return back the unused / vacant land to the petitioners.

For Petitioner : Mr.D.Bharathy

For Respondent : Mr.K.M.D.Muhilan
Government Advocate.

ORDER

This writ petition has been filed for issuance of direction to the respondent to dispose the petitioners' appeal, dated 18.11.2020 filed under the National Highways, Land Acquisition Act 1956 U/s. 3 G(5) for enhancement of compensation in respect of the compensation paid in proceedings in RC No.1028/219/NH-5 dated 26.12.2019 and return back the unused/vacant land to the petitioner.

2. The case of the petitioner is that the petitioner has purchased the agricultural land by way of registered sale deed, dated 15.12.1987 vide Document No.545 of 1987 on the file of SRO, Ponneri, measuring to a total extent of 1 cents in Survey No.115/4C in Padiyanallur Village, Ponneri, SRO, North Madras



Registration District and the market value of the said land is Rs.5,940/- from the year 1980 to 2003, the said land is under the exclusive possession and peaceful enjoyment of the same. In 2003. a notification under land acquisition was issued and as per the proceedings, he made a representation to the respondent herein for compensation and the Revenue officials have not paid the compensation. Therefore, he filed a writ petition in W.P.No.24916 of 2018 and the same was disposed by order dated 04.10.2018, since the respondent has informed to the Court, that the entire acquisition proceedings were stopped and the lands of the petitioner were not acquired, hence, he prayed for compensation does not arise. Therefore, he sent a representation dated 03.06.2019 to return back the land and lawyers notice dated 28.11.2019 was issued and the respondent has not passed any order on his representation. On 26.12.2019, the respondent has paid the compensation after a period of one year and paid the acquisition compensation to a total land extent of 250 sqmtr for a total value of Rs.5,940/- by proceedings in R.C.No. 1028/219/NH-5, dated 26.12.2019. In view of the delay on the part of the respondent, the petitioner sent a representation on 03.03.2020 to enhance claim and return back the land unused by the respondent and the said representation was duly received by the respondent, they have not initiated any proceedings in respect of the same. Hence, the petitioner has come forward with the present writ petition.

3. Heard Mr.D.Bharathy, learned counsel appearing for the petitioner as well as Mr.K.M.D. Muhilan, learned Government Advocate appearing for respondent and perused the materials available on record.

4. Having regard to the limited scope of the prayer, this Court is inclined to pass the following order:-

The respondent is directed to dispose of the appeal dated 18.11.2020 filed by the petitioner as against the order of punishment vide proceedings in RC.No.1028/219/NH-5, dated 26.12.2019 within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



To

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+1cc to the Government Pleader Sr No.43914
+1cc to Mr.D.Bharathy, Advocate Sr No.43493

W.P.No.17970 of 2021

PVS (CO)
PR (01/10/2021)