



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18835 of 2021

Mr.K.Rakesh Kumar

... Petitioner

Vs.

1. The District Collector/ Land Acquisition Officer,
Office of the District Collector,
GST Road,
Chengalpet-603 001.

2. The Special Tahsildar (Land Acquisition),
I.T. Express Highway Scheme,
Tambaram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the 1st respondent to dispose the petitioner representation dated 01.07.2021 pending on the file of the first respondent in accordance with law.

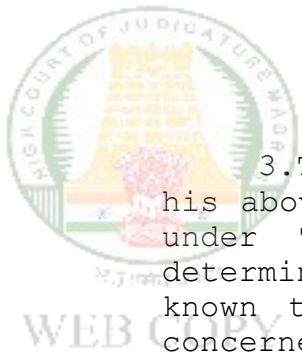
For Petitioner : Mr.K.J.Saravanan

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

ORDER

This writ petition has been filed for a mandamus to direct the first respondent to dispose the petitioner representation dated 01.07.2021 pending on the file of the first respondent in accordance with law.

2.The case of the petitioner is that he is the absolute owner of the property to the extent of 0.18 ½ cents in S.No.139/2G and to the extent of 0.8 ½ cents in S.No.121/13A situated at Thandalam Village, Kanchipuram District to the extent of 0.22 cents in S.No.160/1C, Patta No.3563 and to the extent of 0.26 cents in S.No.160/1B as per patta 3567 S.No.160/1B1B at Thiruporur Village, Kanchipuram District.



3.The petitioner submits that the first respondent acquired his above said property for IT Express Highway Scheme (Phase II) under Tamil Nadu Highways Act, 2001 and compensation was determined, the above compensation was not arrived in manner known to the rules and regulations framed by the Authorities concerned.

4.The petitioner further submits that before determining the compensation amount and the rules and regulations of the Tamil Nadu Highways Act, 2001 and the guideline issued by the several judgments of this Court and the Hon'ble Supreme Court was not taken for consideration, in several cases it has been observed that the market value of the land at the date of publication of the notification, the damage sustained by the person interested at the time of the Collector's taking possession of the land, the damage (if any), sustained by the person interested by reason of the acquisition injuriously affecting his other property, movable or immovable or in any other manner or his earnings, consequence of the acquisition of the land, and the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration.

5.According to the petitioner, the market value of the land is very high in the above said area comparing with the amount determined by the Authority and she made several expenditures for the said land in turn the amount of compensation determined is very low and the market value is Rs.10,00,000/- per cent which has not been taken into consideration by the Authority.

6.The petitioner submits that he sent a representation dated 01.07.2021 to the first respondent to refer the above matter relating to the determination of compensation to the competent Civil Court, for determination of the appropriate compensation, as per the provisions of the Land Acquisition Act, 1894, read with Section 20 of the Tamil Nadu Highways Act, 2001 and the same was received by the first respondent but it was not disposed till today.

7.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

8.The learned Government Advocate for the respondents submit that without considering anything on merits and also including the point of limitation, the representation dated 01.07.2021 will be considered and appropriate orders will be passed by the Authorities within a time frame.



9. Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

10. In view of the above and the submission made by the petitioner as well as the learned Government Advocate for the respondents, this Court is of the view that the Authorities shall consider the representation dated 01.07.2021 in accordance with law and pass appropriate orders based on the request made by the petitioner referring the matter to the competent Civil Court for fixing the compensation and after affording an opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order. No costs.

11. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

pam

To

1. The District Collector/ Land Acquisition Officer
Office of the District Collector,
GST Road,
Chengalpet-603 001.
2. The Special Tahsildar (Land Acquisition),
I.T. Express Highway Scheme,
Tambaram.

+1CC to Mr.M.Jaikumar, Advocate, Sr.No.45644
+1CC to Mr.Government Pleader, Sr.No.45884

W.P.No.18835 of 2021

AD (CO)
K.RK. (02.11.2021)