



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.12.2021

CORAM

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.26274 of 2021 and
WMP.Nos.27723 & 27724 of 2021

1.T.V.Amshalingam
2.D.Suresh Babu
3.S.Kirthiga
4.S.Parthiban
5.G.Rajesh
6.G.Balaji ... Petitioners/Petitioners

Vs

1.The Commissioner and Secretary,
Adi Dravida Welfare and Social Welfare Department,
Government of Tamilnadu,
Fort St.George, Chennai 600 009
2.District Collector,
Thiruvallur District, Thiruvallur
3.The Special Tahsildar,
Adi Dravida Welfare, Sriperumbudur Taluk,
Having office at Ambattur, Thiruvallur District
4.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai 600 056 ... Respondents/ Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider petitioners' representation dated 20.10.2021 and pay the compensation amount for 3 acres and 56 cents comprised in S.Nos.148/4, 148/7, 148/9, 151/13 and 151/14 to the legal heirs of the original owner Vadivel Mudaliar namely the petitioners herein as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners : Mr.V.Ramakrishnan,
Senior Counsel
for Mr.N.Krishna Kumar



For Respondents

: Mr.C.Kathiravan,
Special Government Pleader

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ORDER

This writ petition is filed for direction directing the first respondent to consider petitioners' representation dated 20.10.2021 and pay the compensation amount for 3 acres and 56 cents comprised in S.Nos.148/4, 148/7, 148/9, 151/13 and 151/14 to the legal heirs of the original owner Vadivel Mudaliar namely the petitioners herein as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Heard, Mr.V.Ramakrishnan, Senior counsel appearing for the petitioners, and Mr.C.Kathiravan, Special Government Pleader appearing for the respondents.

3. The petitioners owned property comprised in survey Nos. 148/4, 148/7, 148/9, 151/13 and 151/14 to an extent of 3 acres 56 cents (hereinafter called as subject property). While being so, the said land was acquired by the Government in GO.Ms.No.2089 dated 28.12.1993 published in Tamilnadu Government Gazatte dated 04.01.1984 under Section 4(1) of the Land Acquisition Act and followed by declaration under Section 6 issued in GO.Ms.No.1011 Social Welfare Department dated 10.03.1984. It was published in the Tamilnadu Government Gazatte dated 13.03.1984. The petitioner challenged the acquisition proceedings in WP.No.1812 of 1993 and the same was dismissed and also confirmed by the Hon'ble Division Bench of this Court in WA.No.4044 of 2003. Thereafter on 12.01.1993, possession has been taken over by the respondents. However, even till today, no compensation has been deposited under the revenue deposit or under court deposit.

4.Though entire acquisition proceedings were completed under the old Act, no compensation amount has been deposited or disbursed to the petitioners even till today and as such the petitioners are entitled for compensation under the new Act, i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as contemplated under Section 24 (2). In this regard, the petitioners submitted representation dated 20.10.2021 before the respondents and it is pending for consideration even till today.

5. Considering the above, the first respondent is directed to consider the representation of the petitioners dated 20.10.2021 in view of the above observation after giving



opportunity of hearing to the petitioners and the counter parties, if any, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

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6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner and Secretary,
Adi Dravida Welfare and Social Welfare Department,
Government of Tamilnadu,
Fort St.George, Chennai 600 009

2.District Collector,
Thiruvallur District, Thiruvallur

3.The Special Tahsildar,
Adi Dravida Welfare, Sriperumbudur Taluk,
Having office at Ambattur, Thiruvallur District

4.The Tahsildar,
Poonamallee Taluk,
Poonamallee, Chennai 600 056.

+2ccs to Mr.N.Krishna Kumar, Advocate Sr.NO. 66625

+1 cc to Government Pleader Sr.NO. 66377

WP.No.26274 of 2021

NR(CO)

A.SK(01.01.2022)