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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.28393 of 2019

R.Kotteeswari

....Petitioner

Vs.

1. The Secretary to Government,
Public Works Department,
Secretariat, Chennai - 600 009.
2. The Cheif Engineer,
Water Resource Department,
Chepauk, Chennai - 600 005.
3. The District Collector,
Kancheepuram District, Kancheepuram.
4. The District Revenue Officer,
Kancheepuram District, Kancheepuram.
5. The Special Tahsildar (Land Acquisition)
Ring Road Project,
Chrompet, Alandur Taluk, Chennai - 600 044.
6. The Divisional Engineer,
Highways Department,
Saidapet, Chennai- 600 015

... Respondents

(The 6th respondent is impleaded vide order dated 07.01.2021 made in WMP No.8149/2020 in W.P.No.28393/2019 by VBDJ)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider the petitioner representation dated 20.06.2016, 03.01.2017 and 24.01.2019 submitted with request to acquire her land as per notice dated 29.01.2011 and given adequate compensation to construct drainage in front of her house, within a reasonable time framed by this Hon'ble Court and pass appropriate order accordingly.

For Petitioner

:: Mr.P. Murali



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For Respondents 1 to 5

:: Mr.K.M.D. Muhilan
(Government Advocate)

For Respondent-6

:: Mr.V. Veluchamy
(Government Advocate)

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing 3rd respondent to consider the petitioner representation dated 20.06.2016, 03.01.2017 and 24.01.2019 submitted with request to acquire her land as per notice dated 29.01.2011 and given adequate compensation to construct drainage in front of her house, within a reasonable time framed by this Hon'ble Court and pass appropriate order accordingly.

2. The learned counsel for the petitioner would submit that the petitioner has purchased the land from K. Balasundaram, on 28.10.1991 through his power agent in S.No.29/5, to the extent of 820 Sq.Ft. situated at Puzhuthivakkam Village, Madipakkam Madura, Chennai - 91 which was registered by way of Sale Deed dated 28.10.1991. Out of which, the petitioner has constructed a building in 400 Sq.Ft. and is residing there. Under such circumstances, the 5th respondent herein issued land acquisition notice to the petitioner herein by proceedings in Na.Ka.No.F3/1538/2011, dated 29.01.2011 wherein it was stated that 25.0 Sq.M. of the petitioner's land was to be acquired under the process of land acquisition. The petitioner also consented for the aforesaid acquisition of his part of land and requested to provide compensation for the acquisition of land as early as possible. But, the respondent has not sent any reply nor response to the request of the petitioner. On the other hand, the respondents have acquired the adjacent land of the petitioner leaving his land and constructed drainage for local residents. Even if the petitioner's land did not acquire in the acquisition process, a big canal was dig out in front of the petitioner's house. Due to Canal work, the petitioner and his family are not able to go inside of their house and the said canal accumulated with full of drainage water. Hence, the petitioner has shifted a rental house. Even though, the petitioner has given consent to acquire his land as early as on 20.06.2016, 03.01.2017 and 24.01.2019, the reason for not acquiring his land is best known to them and on the other hand, the petitioner's family is suffering lot of problem. Even though the petitioner has made the aforesaid representations, the respondents have not taken any action and considered on it and till it is pending without passing any order. Hence, the petitioner is left with no other alternative remedy except to approach this Court by invoking its jurisdiction under Article



226 of Constitution of India seeking for a direction to the 3rd respondent to consider his representations within a time frame as fixed by this Court. Hence this Writ petition.

3. The learned Government Advocate would submit that the petitioner's representations may be directed to take action within a particular period as fixed by this Court in accordance with law.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents as well as perused the material available on records.

5. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that even though the 3rd respondent sent a communication by letter dated 22.06.2016 in Na.Ka.No.1538/2011/F3, to the Tahsildar, (Land Acquisition)/5th respondent herein directing to submit details with regard to acquisition of the petitioner's land and the petitioner herein has submitted representations dated 20.06.2016, 03.01.2017 and 24.01.2019 requesting adequate compensation for the same before the respondents, there is no reply nor any order placed on her representations for the past four and half years. Hence, the petitioner is directed to give fresh representation to the authorities concerned /respondents herein within a period of two weeks from the date of receipt of copy of this order. After receiving the fresh representation from the petitioner herein, the competent authorities concerned/respondents herein are directed to consider her representation and pass appropriate orders on her representation in accordance with law after affording sufficient opportunity to the petitioner herein within a period of fifteen weeks from the date of receipt of copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the case.

6. In the result, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(Digit)

//True Copy//

Sub Assistant Registrar

Lbm



To:

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KV(CO)
CT/07/02/2022