

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12365 OF 2016

***S.Murugesan**

...Petitioner

Versus

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Project Director,
Indian National Highways Corporation,
No.8, 29th Cross Street,
Indra Nagar, Chennai-20.
- 3.The Special Tahsildar,
Land Acquisition,
National Highways, Chennai-90.
- 4.The Executive Engineering,
Chennai Metropolitan Water Supply
& Sewerage Board,
Pumping Station Road, Chennai-2.
- 5.The District Revenue Officer,
Land Acquisition,
Kancheepuram District.

R5-suo motu Impleaded as per order
dt.15.03.2018 by this Court.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to pay compensation to the petitioner for the acquisition of lands in S.No.147 at the rate of Rs.2500/- per sq. ft.

For Petitioner : ***Mr.T.P.Manoharan**, Sr.Counsel
For S.Kamalesh Kannan

For Respondents : Mrs.D.Tamilselvi RR1,3 & 5
Additional Government Pleader
Mr.Gowtham Raman R4

O R D E R

The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the 4th respondent to pay

compensation to the petitioner for the acquisition of lands in S.No.147 at the rate of Rs.2500/- per sq. ft.

2. The facts of the case are as follows:

The petitioner is the absolute owner of the property bearing Plot No.133 and S.No.147 situated at Visveswarapuram, Pammal, Tambaram Taluk, Kancheepuram District measuring an extent of 3213 sq. ft. The Government have been acquired the land as per notification under 4(1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.908 dated 22.08.1989. However, one cent of land was acquired by the Government. But during the year 2004, the Government have encroached the remaining portion of the land owned by the petitioner. Hence, the petitioner filed a writ petition in W.P.No.7487 of 2006 before this Court and this Court, vide order dated 13.12.2012, disposed of the writ petition on the ground that the respondents therein is willing to pay the compensation for the said land within two months. Till date, the same was not considered. Hence, the petitioner sent a communication/representation dated 03.01.2016 to the respondents and the same was not also considered. Without having any other option, the petitioner has filed the present writ petition before this Court seeking appropriate remedy.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the Government and perused the materials available on record.

4. Without expressing any opinion on merits of the writ petition, the fourth respondent is directed to conduct enquiry on the representation of the petitioner's dated 03.01.2016 and, after issuance of notice to the petitioner and giving him opportunity of hearing, 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.

5. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CO)

Dated : 18.04.2022

***Corrected as per Order of
this Court dated 20.04.2022
made in W.P.No.12365 of 2016**

Sd/-

Assistant Registrar (CO)

Dated : 12.05.2022

// True Copy //

Sub Assistant Registrar

rli

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
 - 2.The Project Director,
Indian National Highways Corporation,
No.8, 29th Cross Street,
Indra Nagar, Chennai-20.
 - 3.The Special Tahsildar,
Land Acquisition,
National Highways,
Chennai-90.
 - 4.The Executive Engineering,
Chennai Metropolitan Water Supply
& Sewerage Board,
Pumping Station Road,
Chennai-2.
 - 5.The District Revenue Officer,
Land Acquisition,
Kancheepuram District.
- +1cc to the Government Pleader, S.R.No.11962

**To be
Substituted to
the Order
already
despatched on
18.04.2022**

W.P.No.12365 of 2016

GPL(CO)
RLP(18/04/2022)
RVM(16/05/2025)