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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9340 of 2022

C.Sivaswamy

... Petitioner

Vs.

1.The District Collector,
Salem,
Salem District.

2.The Thasildar,
Salem,
Salem Taluk,
Salem District.

3.The Commissioner,
Corporation of Salem,
Salem District.

4.The Assistant Commissioner,
Ammapettai Division-3,
Ammapettai,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to restore the possession of the land viz.640 sq.ft in Old T.S.No.81, New T.S.No.223, Block No.27, Ward AH, Irumapalayam Village, Salem Town and District forthwith or in the alternative to pay compensation to the petitioner under the provisions of the right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement Act, 2013.

For petitioner : Mr.R.Rajarajan

For Respondents : Mr.P.Sathish
Additional Government Pleader
Mr.A.Selvendran (for R.3)

ORDER

The petitioner has filed this petition seeking direction to the respondents to restore the possession of the land viz.640 sq.ft in Old T.S.No.81, New T.S.No.223, Block No.27, Ward AH,



Irumapalayam Village, Salem Town and District forthwith or in the alternative to pay compensation to the petitioner under the provisions of the right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement Act, 2013.

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2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner claim to be the owner of the property comprised in Old T.S.No.81, New T.S.No.223, admeasuring 14,644 sq.ft, situated at Block No.27, Ward AH, Irumapalayam Village, Salem Town and District. However, the petitioner's property was acquired by the Corporation for the laying of roads without paying compensation to the petitioner. Hence, the petitioner made a representation dated 25.03.2022, before the first respondent for payment of compensation. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the respondent to consider the petitioner's representation dated 25.03.2022 within the time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondent submits that the petitioner's representation dated 25.03.2022 will be considered by the respondent within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 25.03.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar



tri/mn

To

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Salem District.

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Salem District.

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Corporation of Salem,
Salem District.

4.The Assistant Commissioner,
Ammapettai Division-3,
Ammapettai,
Salem.

+1cc to Mr.R.Rajarajan, Advocate SR.No.26181

+1cc to Special Government Pleader SR.No.26548

W.P.No.9340 of 2022

SKM(CO)
GMY (28/04/2022)