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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.10981 of 2022

and

W.M.P.No.10563 of 2022

M.Sowdravalli

... Petitioner

Vs.

1. The District Collector,
Nagapattinam District,
Nagappattinam.
2. The Land Acquisition Officer/District Revenue Officer,
District Revenue Office,
Nagappattinam.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Nagappattinam.
4. The Tahsildar,
Taluk Office, Nagappattinam.
5. M.Fatima
6. S.Ananthan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to conduct enquiry on the petitioner's complaint dated 28.02.2022 & 05.04.2022 and subsequently to cancel the notice issued by the 2nd respondent under Section 15(1) of Land Acquisition Act by his proceedings dated 04.02.2022 in Na.Ka.1160/2018/Oo1 and in favour of 5th and 6th respondents some other person instead of the petitioner and other legal heirs of his father late A.P.N.Murugan for acquiring the land property in Survey No.1840/2 (1304 Sq.ft) for the construction of new flyover project and consequently direct the 2nd respondent to provide appropriate compensation to the



petitioner and her family for the same.

For Petitioner

: Mr.S.Parthasarathi

For Respondents R1 to R4

: Mr.V.Veluchamy,
Additional Government Pleader

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O R D E R

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the first and second respondents to conduct enquiry on the petitioner's complaints, dated 28.02.2022 and 05.04.2022 and subsequently to cancel the notice issued by the second respondent under Section 15(1) of Land Acquisition Act, by proceedings dated 04.02.2022 in favour of fifth and sixth respondents and consequently direct the second respondent to provide appropriate compensation to the petitioner and her family for the same.

2. Since no adverse order is being passed against the private respondents/fifth and sixth respondents, notice to them is dispensed with.

3. The case of the petitioner is that the property in S.No.1840/2 containing 1306 sq.ft situated in Nagapattinam Town, 1st Beach Road, Ward-1, Block-18, was transferred to the petitioner's father's elder brother. Since the joint family property also belongs to the petitioner's father, after the demise of the petitioner's father, the petitioner and his family members were in possession and enjoyment of the aforesaid property. While so, the respondents initiated land acquisition proceedings in respect of the said property, but however, notice was issued under Section 15(1) of the Land Acquisition Act to the fifth and sixth respondents, who are not the legal heirs of the petitioner's father. Therefore, the petitioner made representation dated 23.02.2022 before the second respondent and thereafter, she has also made another representation dated 28.02.2022 before the third respondent, whereby the second respondent directed the fourth respondent to consider the petitioner's representations. However, the representations were not considered by the fourth respondent. Therefore, again the petitioner made a detailed complaint/representation dated 06.04.2022 before the first and third respondent, seeking to cancel the notice dated 04.02.2022 issued by the second respondent in favour of the fifth and sixth respondents. However, till date, no order has been passed on the said representations made by the petitioner. Hence, the petitioner has filed the present Writ Petition seeking the aforesaid relief.



4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first and second respondent to consider the petitioner's representations dated 28.02.2022 and 06.04.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Additional Government Pleader appearing for respondents has no objection for said order being passed.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's representations dated 28.02.2022 and 06.04.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Nagapattinam District,
Nagappattinam.
2. The Land Acquisition Officer/District Revenue Officer,
District Revenue Office,
Nagappattinam.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Nagappattinam.



4. The Tahsildar,
Taluk Office,
Nagappattinam.

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+1cc to M/s.T.Thamarai Selvi, Advocate, S.R.No.30808

W.P. No.10981 of 2022

NR (CO)
SU (02/06/2022)