



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11660 OF 2022

C.S.Vardhamanan

...Petitioner

Vs.

1.The Special Tahsildar (L.A)
Kanchipuram,
National Highways,
No.15, Visalatchi Nagar,
Sevilimedu Post
Kanchipuram

2.The Tahsildar,
Revenue, Thirukazhugukundram,
Kanchipuram.

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 1st respondent not to disburse the amount due for Plot No. 60 (survey No. 224/32) till the 2nd respondent considers the Writ petitioners representation dated 9.11.2019 and pass orders after affording the petitioner a personal hearing.

For Petitioner : Mr.John Zachariah
For M/s.Fox Mandal and Associates

For Respondents : Mr.V.Veluchamy, AGP

ORDER

The Writ Petition has been filed seeking direction to the 1st respondent not to disburse the amount due for Plot No. 60 (survey No. 224/32) till the 2nd respondent considers the Writ petitioners representation dated 9.11.2019 and pass orders after affording the petitioner a personal hearing.

2. The case of the petitioner is that he purchased a land to an extent of 9,725 sq. ft. in S.No.234/32 from one Saravanan vide sale deed dated 23.03.2007 registered as Doc. No.2747 of 2007. The land is situated at Perumallari Village, Vadakkadumpatty Panchayat, Thirukazhukundram, Kancheepuram. The



Ministry of Road Transport and Highways Department was issued a notification on 18.09.2019 for acquisition of the land including the petitioner's land. In the said notification, the S.No.234/32 was shown as belonging to one Balraj. But the petitioner is absolute owner of the said property. That being the situation, the petitioner made a representation dated 09.11.2019 to the first respondent not to disperse the amount till the process is completed and corrections are carried out by the second respondent and the petitioner also undertook to file the corrected papers with the first respondent and since the amounts would disperse to one Balraj who is not the owner of the property. Till date, the said representation was not considered and hence, the present writ petition has been filed before this Court seeking with the afore said prayer.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent not to disburse the compensation in respect of S.No.224/32 till the second respondent disposes the petitioner's representations dated 09.11.2019.

4. The learned Additional Government Pleader have no serious objection for the contention raised by the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, passes the following orders;

(i) this Court directs the second respondent to consider the petitioner's representation dated 09.11.2019 and pass appropriate orders, after providing necessary opportunity to the petitioner as well as Balraj and other aggrieved person if any, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order; and

(ii) the first respondent shall not disburse any compensation amount to the third parties in respect of S.No.224/32 till the disposal of the representation dated 09.11.2019.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

rli



To

1.The Special Tahsildar (L.A)
Kanchipuram,
National Highways,
No.15, Visalatchi Nagar,
Sevilimedu Post
Kanchipuram

2.The Tahsildar,
Revenue, Thirukazhugukundram,
Kanchipuram.

+1cc to M/s.Fox Mandal & Associates, Advocate Sr.No.30244

+1cc to the Government Pleader Sr.No.31025

W.P.No.11660 of 2022

SR-II (CO)
RVM(01/06/2022)