



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11856 of 2022
and WMP.No.11290 of 2022

1.Mr.V.Balakrishnan

2.Mrs.P.P.Sheela

... Petitioners

Vs.

1.The Principal Secretary to the Government,
Highways and Minor Ports Department,
Fort St.George, Secretariat, Chennai 600 009.

2.The Director General @
Highways Department,
Integrated Chief Engineers office,
Highways Campus, 76, Patel Road,
Guindy, Chennai 25.

3.The Chief Engineer (Highways),
Construction and Maintenance,
Highways Campus, 76, Patel Road,
Guindy, Chennai 25.

4.The Collector,
Chengelpet District,
Chengelpet.

5.The Tahsildar,
Vandalur Taluk,
Vandalur, Chengalpet District.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents to pay compensation to the petitioners for the acquisition and utilisation of land bearing S.No. 531/1B and S.No. 531/1A measuring Ac. 0.17 situate in Nandhivaram Village, Vandalur Taluk, Chengelpet District or allot alternate



land in lieu of compensation by considering the representation dated 25.01.2022.

For Petitioners : Mr.D.Baskar

For Respondents : Mr.P.Sathish

Additional Government Pleader

Order

This petition has been filed for issuance of writ of Mandamus to direct the respondents to pay compensation to the petitioners for the acquisition and utilisation of his land or allot alternate land by considering the representation dated 25.01.2022.

2. The case of the 1st petitioner is that the property bearing S.F.No.531/1-Ac.0.99, Nandhivaram Village, Vandalur Taluk, Chengelpet District belonged to him and patta was also issued in his favour and in turn, he executed a registered Settlement Deed, settling an extent of Ac.0.61 in favour of his wife 2nd petitioner. Now in January 2022, when the petitioner planned to develop the property and measured the same, to their shock, they found that the road has been laid by encroaching an extent of Ac.0.17 in their land. It is the allegation of the petitioner that since the respondents have laid a road by acquiring the land without any prior notice, the respondents are bound to pay the compensation for the land as per the Right to Fair Compensation and Transparency in Land Acquisition and thereby, the petitioners submitted a representation dated 25.01.2022 to the respondents and the 2nd respondent has sent a communication dated 08.02.2022 to the 3rd respondent to take appropriate action. Thereafter there was no communication from the respondents. Aggrieved by the inaction on the part of the respondents, the petitioners are before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 25.01.2022 and may pass appropriate orders within a stipulated time frame as fixed by this Court.

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



5. 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 25.01.2022 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Principal Secretary to the Government,
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Fort St.George, Secretariat, Chennai 600 009.
- 2.The Director General @
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Integrated Chief Engineers office,
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- 3.The Chief Engineer (Highways),
Construction and Maintenance,
Highways Campus, 76, Patel Road,
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- 4.The Collector,
Chengelpet District, Chengelpet.
- 5.The Tahsildar,
Vandalur Taluk,
Vandalur, Chengalpet District.

+1cc to Mr.D.Baskar, Advocate SR.No.33278
+1cc to the Government Pleader SR.No.33061

W.P.No.11856 of 2022

SKM(CO)
CB(06/07/2022)