

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.15432 of 2022

1. P.Subramani
2. P.Rathinam ... Petitioners

Vs.

1. The District Collector,
Office of the District Collector,
Namakkal.
2. The Special District Revenue Officer (Land Acquisition),
Chennai-Kanyakumari National Highway Project,
No.74, Vijayaraghavan Nagar,
Salem 636 302.
3. The Special Tahsildar (Land Acquisition),
Office of the Special Tahsildar,
Namakkal.
4. The Tahsildar,
Office of the Tahsildar,
Sedagamangalam. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to make the payment of compensation to the petitioners in respect of their acquired lands situated in S.F.No.277/5 at 08 Thuthikulam Village, Sedagamangalam Taluk, Namakkal District.

For Petitioners : M/S.I.Abrar MD Abdullah

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to make payment of compensation to the petitioners in respect of their acquired lands situated in S.F.No.277/5 at 08 Thuthikulam Village, Sedagamangalam Taluk, Namakkal District.

2. The case of the petitioners is that the petitioners and one Jayanthi are the owners of the Punjai land in respect of the aforesaid property to an extent of 2030 sq.mtrs. The

petitioners' and the said Jayanthi had obtained joint Patta for the aforesaid property. However, the said land was acquired by the second respondent for the purpose of renovation of Chennai-Kanyakumari Highway. Further, the petitioners were informed that the said land was acquired for the purpose of improving the road facility from Mohanur-Rasipuram in Tamil Nadu, vide notice dated 27.01.2020. While so, the petitioners have received a notice of enquiry from the second respondent on 06.11.2020. In the said notice, the petitioners were required to be present before the second respondent on 26.11.2020 along with relevant documents. Thereafter, the petitioners participated in acquisition proceedings and compensation was promised by the second respondent. However, till date, the second respondent has not disbursed the compensation amount to the petitioners. Therefore, the petitioners made representation dated 28.12.2020 before the second respondent seeking payment of compensation to the petitioners in respect of their property. As the said representation made by the petitioners has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the respondents to pass orders on the award enquiry notice dated 06.11.2020 and to pay compensation to enable the petitioners to work out their remedy within a particular time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the 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 pass appropriate orders on the award enquiry notice dated 06.11.2020, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, and if no award is passed, the respondents are directed to pay the compensation in accordance with law to the petitioners within a period of six weeks thereafter.

6. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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2. The Special District Revenue Officer (Land Acquisition),
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Office of the Special Tahsildar,
Namakkal.
4. The Tahsildar,
Office of the Tahsildar,
Sedagamangalam.

+lcc to M/s.I.Abrar MD Abdullah, Advocate SR. No. 38048

+lcc to Government Pleader SR. No. 39305

W.P. No.15432 of 2022

PL (CO)

PR (12/07/2022)