



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29218 of 2014

P.V.Visakamoorthy

...Petitioner

Vs.

1. The Special Deputy Collector, (Land Acquisition)
Tamil Nadu Urban Development, Scheme-III,
Poonamallee, Chennai-600 056.
 2. The Divisional Engineer, (Highways)
Tamil Nadu Highways Department, Division-III,
Alandur, Chennai-600 016.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to consider the representation of the petitioner dated 04.10.2014 requesting appropriate steps for granting suitable compensation to the demolished building of the petitioner measuring an extent of 2640 sq.ft., built up area at Old No.639/9, Periyar EVR Salai, Amijikarai, Chennai-600 029, comprised in Town Survey No.24, Block No.2, Old Survey No.1/2, Chinna Koodal Village, Egmore-Nungambakkam Taluk.

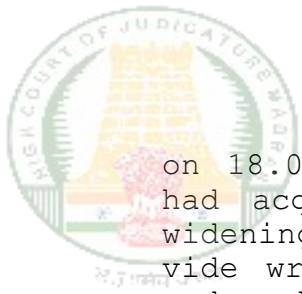
For Petitioner : M/s.K.Varatha Kamaraj

For Respondents : Mr.G.Krishnaraja
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 04.10.2014 and dispose of the same within stipulated period of time granted by this Court.

2. The case of the petitioner is that, he owned a land and building comprising in Old No.639/9, Periyar EVR Salai, Amijikarai, Chennai-600 029, in Town Survey No.24, Block No.2, Old Survey No.1/2, measuring an extent of 1232 Sq.ft., Chinna Koodal Village, Egmore-Nungambakkam Taluk and he paid the taxes without any default. While so, the petitioner received a notice



on 18.03.2014 stating that, the Tamil Nadu Highways Department had acquired the said land and building for the purpose of widening the road. Hence, the petitioner approached this Court vide writ petition in W.P.No.8938 of 2014 and this Court vide order dated 11.04.2014 directed the Special Collector to send notice to the petitioner after following the provisions contemplated under Land Acquisition Act and to provide appropriate compensation within a period of eight weeks. Pursuant to the order of this Court, the Special Collector conducted enquiry on 23.06.2014 and the 1st respondent sent a letter communication dated 18.08.2014 to the 2nd respondent and recommended the 2nd respondent to consider the petitioner's representation for suitable compensation. However, there was no response thereafter and the respondents continued with demolishing activities. Therefore, the petitioner made a representation dated 04.10.2014 before the respondents, however, till date the said representation was not considered and no orders were passed on the same. Hence, this Writ petition is filed seeking direction to the respondents herein to consider the petitioner's representation and pay the compensation to the petitioner.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 04.10.2014 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Government Advocate appearing on behalf of the respondents has no objection for said order being passed and he fairly conceded that the petitioner's representation dated 04.10.2014 will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 04.10.2014 on merits and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



skt

To

1. The Special Deputy Collector, (Land Acquisition)
Tamil Nadu Urban Development, Scheme-III,
Poonamallee, Chennai-600 056.
2. The Divisional Engineer, (Highways)
Tamil Nadu Highways Department, Division-III,
Alandur, Chennai-600 016.

+1cc to Mr.K.Varatha Kamaraj, Advocate SR. No. 8714

+1cc to Government Pleader SR. No. 8993

W.P.No.29218 of 2014

JP (CO)

PR (21/03/2022)