



WEB COPY



W.P.No.26778 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26778 of 2022

1. R.Devika Rangan
2. R.Sivasanthosh
3. R.Aishwarya
Petitioners

...

vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur – 602 001.

2. The Special Tahsildar,
Land Acquisition,
C.M.D.A. Outer Ring Road,
Koyambedu,
Chennai – 600 092.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to refer the matter to the appropriate authority for enhancement of compensation on the basis of the Petition dated 27.07.2020 in respect of the lands in Survey No.26/2 measuring 0.70.5 Hectare and survey No.28/3 measuring 0.81.5 Hectare totalling in all 1.52.0 Hectare in Vijayanallur Village, Ponneri



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Taluk, Tiruvallur District.

For Petitioners : Mr.M.s.Subramanian

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents herein to refer the matter to the appropriate authority for enhancement of compensation on the basis of the Petition dated 27.07.2020 in respect of the lands in Survey No.26/2 measuring 0.70.5 Hectare and survey No.28/3 measuring 0.81.5 Hectare totalling in all 1.52.0 Hectare in Vijayanallur Village, Ponneri Taluk, Tiruvallur District.

2. It is the case of the petitioners that the above said lands belong to one Rangan who is the husband of first petitioner and father of second and third petitioners. Thereafter, the said lands were acquired by the acquisition authority for the purpose of formation of Chennai Outer Ring Road phase II and a Notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.381, Housing and Urban Development Department, dated



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25.05.1993, was issued. The Award in Award No.1 of 2007 dated 18.04.2007 was passed. Thereafter, a Writ Petition in W.P.No.3304 of 2012 was filed by said Rangan which ended up in compromise and this Court *vide* order dated 03.03.2020 disposed of the above said Writ Petition and the Award amount was credited to the account of said Rangan. Seeking for enhancement of compensation and for a reference to be made to the appropriate authority, the said Rangan submitted a petition dated 27.07.2020 through R.P.A.D to the respondents. Subsequently, said Rangan died leaving behind the petitioners as legal heirs. Since the said petition was not considered by the respondents, the present Writ Petition has been filed.

3. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioners submits that the said Rangan received a cheque for Rs.3,60,11,272/- on 17.03.2020 and made a representation dated 27.07.2020 before the respondents in the light of the order passed by this Court in W.P.No.3304 of 2012 dated 03.03.2020, granting liberty to initiate proceedings for enhancement of compensation as per Right to Fair Compensation and Transparency in Land Acquisition,



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Rehabilitation and Resettlement Act 2013. But the said reference was not effected by the respondents and hence it would be appropriate if this Court issues a direction to the respondents to refer the matter to the appropriate authority by considering the representation dated 27.07.2020 as per the order dated 03.03.2020 passed by this Court in W.P.No.3304 of 2012 for passing appropriate orders within a particular time frame to be fixed by this Court.

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

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the limited request of the petitioners, this Court directs the respondents to consider the representation dated 27.07.2020 in terms of the order dated 03.03.2020 passed by this Court in W.P.No.3304 of 2012 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioners and aggrieved persons



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if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above observation and directions, this Writ Petition is disposed of. No costs.

10.10.2022
(2/2)

RAP

Index : Yes/No
Speaking order : Yes/No

To:

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M.DHANDAPANI, J.

RAP

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