

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.974 of 2017

Appachi

...Petitioner

Vs.

1. The District Collector,
Erode District, Erode.

2. The Revenue Divisional Officer,
Erode District, Erode.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to conclude the enquiry U/s.28(A) of Land Acquisition Act in pursuant to the enquiry notice dated 19.03.2013 issued by the 2nd respondent and enquiry was conducted on 15.04.2013 and pass final orders.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.P.Sathish
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to conclude the enquiry under Section 28(A) of Land Acquisition Act in pursuant to the enquiry notice dated 19.03.2013 issued by the 2nd respondent and enquiry was conducted on 15.04.2013 and pass final orders.

2.The case of the petitioner is that the petitioner's father owned land situated in R.S.No.405/3, Erode Village, Erode Taluk & District, ad-measuring an extent of 1.78 acres. The said land was acquired by the Tamil Nadu Housing Board for implementation of the housing scheme in the year 1973 and subsequently the respondents have sanctioned meagre amount to the petitioner's father. After the demise of the petitioner's father, the petitioner is participating in the land acquisition proceedings of his father. It is pertinent to note that the petitioner's

land was acquired along with other adjacent lands, under the same notification. Further, one of the land owners, who was not satisfied with the compensation paid by the respondents, approached the respondents and made a request to refer the matter before the Sub-Court under Section 18(1) of Land Acquisition Act. Accordingly, the same has been referred before the Sub-Court, Erode in LAOP No.2 of 1994. The Sub Court passed an order dated 31.12.1996 for enhanced compensation i.e., from Rs.75/- per cent to Rs.750/- per cent and also awarded compensation for trees. After knowing the above said order made in LAOP No.2 of 1994, the petitioner made a representation dated 10.02.1997, before the respondents and requesting to enhance the compensation as per the order passed in LAOP No.2 of 1994. However, the respondents have not passed any orders. Therefore, the petitioner filed a Writ Petition in W.P.No.3691 of 1997, praying to direct the first respondent to entertain the petitioner's application dated 10.02.1997, for re-determining the compensation amount as per the order made in LAOP No.2 of 1994. This Court by its order dated 31.08.1998, directed the respondents to entertain the petitioner's application and pass orders within a period of twelve weeks from the date of receipt of a copy of the order.

3.While so, the Special Tahsildar, Land Acquisition, Neighbourhood Scheme, Erode, approached this Court and preferred Appeal in A.S.No.665 of 1997 against the order passed in LAOP No.2 of 1994, and the appeal was disposed by order dated 17.11.2009, by confirming the order passed in LAOP No.2 of 1994. Hence the respondents have not passed any orders as per the directions issued by this Court. Thereafter, the petitioner and his paternal uncle's son made a representation before the respondents dated 20.02.2012 and made a request to pass order under Section 28(A) of Land Acquisition Act. After receipt of the said representation, the second respondent issued notice dated 19.03.2013 to the petitioner and the enquiry was conducted on 15.04.2013 under Section 28(A) of Land Acquisition Act. However, the enquiry was not concluded. Hence, the petitioner has filed the present Writ Petition.

4.The learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the second respondent to conclude the enquiry by considering the petitioner's representation dated 20.02.2012 and pass orders on the same within a particular time frame that may be fixed by this Court.

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

6.In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case directs the second respondent to conclude the enquiry held pursuant to the notice dated 19.03.2013 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and other aggrieved person, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

jd/sp

To

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Erode District, Erode.

+lcc to the Government Pleader, S.R.No.34572

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RGN(CO)
RGA(07/07/2022)