



W.P.No.30660 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30660 of 2022

And

W.M.P.No.30603 of 2022

M.Venkateswara Rao

... Petitioner

Vs.

1.The District Collector
Land Acquisition Division,
Office of the District Collector,
Chengalpattu District.

2.The Special Tahsildar,
Land Acquisition Unit-1,
Inner Ring Road,
C.M.D.A. Koyambedu,
Chennai.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider representation of the petitioner dated 19.04.2022 and 20.06.2022 and 08.07.2022 by directing the 2nd and 3rd respondents to pay the Award



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amount as per Award No.6/1998 dated 25.09.1998 in respect of lands situated in Survey No.615 to an extent 1 acre and 17 cents in No.98, Kattrampakkam Village, Sriperambudur Taluk along with interest to the petitioner.

For Petitioner : Mr.M.Rajasekhar
For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 19.04.2022 and 20.06.2022 and 08.07.2022 by directing the respondents 2 and 3 to pay the Award amount as per Award No.6/1998 dated 25.09.1998 in respect of the lands situated in Survey No.615 to an extent 1 acre and 17 cents in No.98, Kattrampakkam Village, Sriperambudur Taluk along with interest to the petitioner.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he purchased the same vide sale deed bearing document no.1370/1987 dated 27.03.1987 registered on the file of the Sub Registrar Office, Sriperambudur from one Giddaluru Sarojini Amma. Since he was in employment in Indian Air Lines in



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Bangalore and Chennai, he was not able to visit the property often and during the year 2007, he came to know that the subject property was acquired by the second respondent under the Land Acquisition Act, for the purpose of setting up an Industrial Complex by SIPCOT.

3.The further case of the petitioner is that therefore the petitioner sought for information under the Right to Information Act, 2005 and he came to know that patta in respect of the subject property stands in the name of one Venugopal, son of Elumalai and compensation amount was paid to him. Thereafter, the petitioner made representation to the third respondent seeking to pay compensation and since the same was not considered, filed W.P.No.30149 of 2018 before this Court seeking direction to the respondents therein to dispose of his representation and pursuant to the order dated 07.01.2019 made in the said writ petition, the third respondent sent a letter to the petitioner enclosing copy of the 4(1) Notification and award copy, however, failed to furnish the details with regard to payment of compensation. Thereafter, the petitioner made representation to the first respondent seeking to direct the third respondent to pay compensation to him and since the same has not yet been considered, has filed this writ petition.



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4.The learned counsel appearing for the petitioner submitted that already the compensation amount has been paid to one Venugopal S/o.Elumalai, No.66, New Mambalam, Kamarajar Colony, Chennai, during the year 1998 and further submitted that though the said Venugopal has not been arrayed as a party in the writ petition, the petitioner has filed W.M.P.No.30603 of 2022 seeking to implead him as a party in the writ petition and further submitted that this Court may grant liberty to the petitioner to file suit for recovery of the amount before the competent civil Court.

5.In view of the above, this Court, without going into the merits of the case, permits the petitioner to file appropriate civil suit before the competent civil Court by impleading Venugopal S/o.Elumalai, as a party in the civil suit.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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