



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2807 of 2022

Madhan

... Petitioner

Vs.

1.The District Collector,
Collector's Office,
Periyamilaguparai,
Trichy.

2.The District Revenue Officer cum
Authorized Officer (Land Acquisition)
Collector's Office,
Periyamilaguparai,
Trichy.

3.The Director,
Town Planning,
Collector's Office,
Periyamilaguparai,
Trichy.

... Respondents

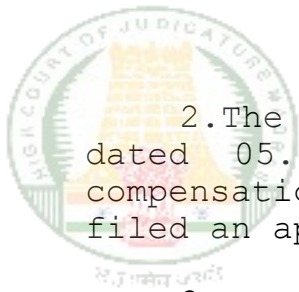
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to number the appeal, complete the enquiry in the appeal filed by the petitioner's father Late Shivakumar on 24.02.2020 and pass final orders within the time stipulated by this Court.

For Petitioner : Mr.B.Pragash

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to number the appeal and complete the enquiry in the appeal filed by the petitioner's father Late Shivakumar, on 24.02.2020 and pass final orders within a time frame to be fixed by this Court.



2.The case of the petitioner is that aggrieved by the award, dated 05.04.2019 passed by the second respondent fixing the compensation amount, the petitioner's father late Shivakumar has filed an appeal before the first respondent, on 24.02.2020.

3.According to the petitioner, till date the said appeal has not been taken on file and the enquiry in the said application is yet to commence. In such circumstances, this writ petition has been filed seeking for numbering the appeal and its early disposal.

4.Heard Mr.B.Pragash, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5.On instructions, learned Special Government Pleader for the respondents, would submit that since Mr.Shivakumar, father of the petitioner is dead, the legal heirs of the said Shivakumar have to be brought on record in the appeal and that is the reason for the delay in processing the appeal filed by the petitioner's father late Shivakumar. He would also submit that once the appeal is numbered by bringing on record the legal heirs of the deceased Shivakumar, it will be heard and disposed of within a time frame to be fixed by this Court. The said statement is recorded.

6.The learned counsel for the petitioner has also agreed to file an appropriate application before the first respondent seeking to bring on record the legal representatives of the deceased Shivakumar, within a period of one week from the date of receipt of a copy of this order. On receipt of the said application, the first respondent shall bring on record the legal representatives of the deceased Shivakumar and thereafter number the appeal immediately. Once the appeal is numbered, a direction is given by this Court to the first respondent to dispose of the appeal filed by the legal representatives of the deceased Shivakumar, which is the subject matter of the writ petition, on merits and in accordance with law, after affording a fair hearing to the appellants within a period of three months from the date of receipt of bringing on record the legal representatives of the deceased Shivakumar.

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

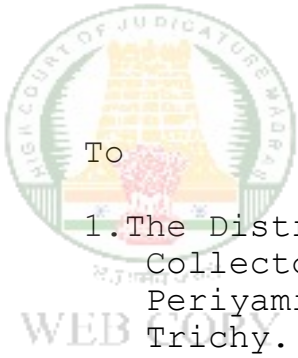
Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)



To

1.The District Collector,
Collector's Office,
Periyamilaguparai,
Trichy.

2.The District Revenue Officer cum
Authorized Officer (Land Acquisition)
Collector's Office,
Periyamilaguparai,
Trichy.

3.The Director,
Town Planning,
Collector's Office,
Periyamilaguparai,
Trichy.

+1 CC to M/s.SPL GP (SR-5999[F] dated 14/02/2022)

+1 CC to M/s.D.BOOPAL, Advocate (SR-5573[F] dated 11/02/2022)

ORDER MADE IN
W.P. [MD]No.2807 of 2022
11.02.2022

PKP/02.03.2022/3P/5C