



WEB COPY

W.P. No.14065 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.14065 of 2015

Mrs.Josephine Dorothy

... Petitioner

Vs.

1.The District Collector
Kancheepuram District
Kancheepuram

2. The Special Tahsildar (Land Acq.)
Road Expansion Scheme
Sriperumbudur-Oragadam Industrial Scheme,
Sriperumbudur,
Kancheepuram District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of writ of Certiorarified Mandamus to call for the records of the 1st respondent in Na.Ka.No.41360/2009/F2 dated 24.01.2015 and quash the same as illegal and consequently direct the 1st respondent to refer dispute raised by the petitioner for determination of fair compensation to the Court under Section 20(12) of the Tamil Nadu High Ways Act 2001 (Tamil Nadu Act 34/2002), in respect of the petitioner property

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate



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ORDER

This Writ Petition is filed for a writ of Certiorarified Mandamus to call for the records of the 1st respondent in Na.Ka.No.41360/2009/F2 dated 24.01.2015 and quash the same as illegal and consequently direct the 1st respondent to refer dispute raised by the petitioner for determination of fair compensation to the Court under Section 20(12) of the Tamil Nadu High Ways Act, 2001 (Tamil Nadu Act 34/2002), in respect of the petitioner property.

2. The learned counsel for the petitioner submitted that the subject land was acquired under the State Highways Act and Award was also passed on 31.05.2012. Thereafter, the petitioner made a representation before the 2nd respondent on 04.07.2012 itself and since there was no response, again he made representations. Subsequently, the impugned order came to be passed on the ground that the representation for enhancement of compensation was not filed within 60 days from the date of Award and therefore, the representation was rejected, which is contra to the materials.



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3. The learned Government Advocate appearing for the respondents submitted that since the representation for enhancement was filed beyond the statutory period of 60 days, the same was rejected. Therefore, there is no merit in this writ petition.

4. Heard the learned counsel for the petitioner and learned Government Advocate for the respondents and perused the records.

5. Admittedly, the petitioner's land was acquired and subsequently, the Award was also passed on 31.05.2012. Thereafter, the petitioner has made objection and also for enhancement of compensation on 04.07.2012 and also on subsequent dates. But the respondents without considering his representation on merits, simply rejected the same on the ground of limitation which is against the materials available on record and the respondents have not specifically denied about the representation given by the petitioner on 04.07.2012. The petitioner has also produced the acknowledgment, which also clearly shows that the respondents have received the petitioner's claim even prior to 60 days from the date of Award.



Therefore, the impugned order passed by the 1st respondent is perverse and the same is liable to be set aside.

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6. Accordingly, the impugned order passed by the 1st respondent in Na.Ka.No.41360/2009/F2 dated 24.01.2015, is set aside. The 1st respondent is directed to give an opportunity of personal hearing to the petitioner and after affording the personal hearing, enquiry shall be conducted in accordance with law and decide the matter on merits. The entire exercise shall be completed by the 1st respondent within a period of two months from the date of receipt of a copy of this order.

7. It is made clear that this Court has not decided the matter on merits, and it is for the first respondent to decide the same on merits in accordance with law.

8. With the above directions, the writ petition is allowed with cost of Rs.50,000/- (Rupees Fifty Thousand Only) to be payable by the 1st respondent to the petitioner on or before 19.12.2023.

19.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Collector
Kancheepuram District
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P.VELMURUGAN. J.

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