



WEB COPY

W.P. No.20598 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.20598 of 2023

R.Rajalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
The Revenue Department,
Fort St. George, Chennai – 600 009.

2. The District Collector,
Chennai District Collectorate,
“Ma Singaravelar Maligai”,
Rajaji Salai, Chennai – 600 001.

3. The Special District Revenue Officer
(Land Acquisition),
Highways Department,
Metropolitan Wing,
Alandur, Chennai – 600 016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 1st and 2nd respondent herein to refer the petitioners' claim to the concerned authority for determination of appropriate compensation for acquisition of the Petitioners' Property at No.39/21 at East Coast Road, Kapaleeswarar Nagar, Neelankarai, Chennai –



600 115, comprised in Survey No.91/2A1A1AJ2, measuring an extent of 76 Square Metres (818.06 Square Feet), by fixing a time frame for determination and disposal of the Petitioner's claim for higher compensation before the Authority constituted, in view of the Petitioner's Representations dated 05.12.2021, 14.02.2022 and 11.04.2023 respectively and considering the Petitioner's Representation dated 11.04.2023.

For Petitioner : Mrs.Karthikaa Ashok
For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The Writ Petition is filed seeking a writ of Mandamus directing the 1st and 2nd respondents herein to refer the petitioner's claim to the concerned authority for determination of appropriate compensation for acquisition of the Petitioner's Property at No.39/21 at East Coast Road, Kapaleeswarar Nagar, Neelankarai, Chennai – 600 115, comprised in Survey No.91/2A1A1AJ2, measuring an extent of 76 Square Metres (818.06 Square Feet), by fixing a time frame for determination and disposal of the Petitioner's claim for higher compensation before the Authority constituted, in view of the Petitioner's Representations dated 05.12.2021, 14.02.2022 and 11.04.2023 respectively.



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2. The learned counsel for the petitioner submitted that the petitioner's land was acquired by the Tamil Nadu Highways Department for road widening and that the amount of compensation fixed by the authorities was very low. Hence, the petitioner made representations to refer her claims before the competent authority under Section 64 of the Tamil Nadu Land Acquisition Act. The competent authority is the District Collector/Arbitrator. The 3rd respondent, instead of referring the matter to the District Collector, referred to the Civil Court which is against the provisions contemplated under Section 64 of the Act. Even though the petitioner made representations, the same were not considered and kept pending in the cold storage. Therefore, the present writ petition is filed.

3. It is seen that the representations of the petitioner are genuine. Therefore, the 1st respondent is directed to consider the petitioner's representation dated 11.04.2023 and refer the petitioner's claim to the 2nd respondent namely the District Collector for the enhancement of compensation. On receipt of the same, the District Collector shall consider the petitioner's claim and pass orders on merits and in accordance with law, if the petitioner is otherwise eligible, within three months from the date of receipt of a copy of this order.



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4. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

16.11.2023
(1/3)

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Secretary to Government,
The Revenue Department,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Chennai District Collectorate,
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WEB COPY

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P.VELMURUGAN. J.

Ksa-2

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(1/3)