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WP.No.34930 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34930 of 2024

B.Diwakar

Vs

...Petitioner

1.The Special Commissioner,
Land Administration
Department, II Floor,
Ezhilagam, Chepauk,
Chennai-5.

2.The District Revenue Officer,
O/o the District Revenue Officer,
Kanchipuram.

3.The Revenue Divisional Officer,
O/o the Revenue Divisional
Office, Ponneri.

4.The Land Acquisition Officer &
Special Tahsildar (LA),
National Highways, Chennai-90.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation dated 01.8.2024 of the petitioner and to pay the compensation in respect of the property to an extent of 2,460 sq. ft. situated at survey No.236, plot No.2, Vanagaram Village, Saidapet Taluk, Chennai.



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For Petitioner : Mr.M.Rajasekar
For Respondents : Mr.A.Selvendran, SGP

ORDER

The petitioner seeks a direction to the respondents to consider his representation dated 01.8.2024 to pay compensation to him in respect of the property measuring an extent of 2,460 sq.ft. in S.No. 236, plot No.2, Vanagaram Village, Saidapet Taluk, Chennai.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The facts leading to filing of this writ petition are as follows :

(i) The petitioner purchased the said property from one Mrs. Deivanayagi and 4 others, which included three minors, by way of a sale deed dated 16.8.1991 registered as doc.No.2177 of 1991 on the file of the Sub-Registrar, Madras South, Saidapet. The said Mrs. Deivanayagi acted as a power agent on behalf of the minors for the said sale transaction.

(ii) He is permanently employed in Delhi and used to visit his in-laws whenever time permitted. He purchased the said property by applying temporary advance from the general provident fund. He also attained the age of superannuation on 30.6.2015. Since the



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petitioner's only daughter is residing abroad, he and wife visited her and stayed over there for a considerable period of time. Hence, they could not settle down in Chennai immediately after his retirement.

(iii) Meanwhile, the lock down on account of Covid-18 was in place and when the petitioner returned to India and visited the said property, he found that a toll plaza had been constructed in the said property. Thereafter, he applied for the copies of the acquisition proceedings and more particularly the Declaration dated 30.1.1991 under Section 6 of the Land Acquisition Act and the award passed in respect thereof in award No.5 of 1994 dated 11.2.1994.

(iv) A perusal of the above documents would reveal that only the name of the husband of the vendor of the petitioner namely Mr.Rajabhader found a place in Serial No.27 and that the award amount was mentioned as Rs.1,05,368/-. Therefore, the petitioner made a representation dated 01.8.2024 to the respondents to disburse the compensation to him. This representation has not yet been considered. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.



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5. Taking into account the facts narrated above and since the representation sent to the respondents has been kept pending without any progress, the writ petition is allowed and a Mandamus is issued to the Competent Authority to consider the representation of the petitioner dated 01.8.2024, issue notice to the petitioner, afford him an opportunity of personal hearing and pass a speaking order. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

26.11.2024

To

- 1.The Special Commissioner,
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