

(2014) 03 MAD CK 0055

In the Madras High Court

Case No : Writ petition No. 537 of 2014 and M.P. No. 1 of 2014

Mr. N. Neelamekan

APPELLANT

Vs

The District Collector

RESPONDENT

Date of Decision : 19-03-2014

Acts Referred:

Citation : (2014) 03 MAD CK 0055

Hon'ble Judges : C.S. Karnan, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

C.S. Karnan, J.—By consent of both parties, the writ petition is taken up for final disposal at the time of admission itself.

2. The petitioner contends that the landed property measuring about 928 sq.mts. was classified as "GRAMA NATHAM" comprised in S.No. 674/1, situate at Sholinganallur Village, within Pallikaranai Sub-Taluk Tambaram Zone, Kancheepuram District was under the occupation of his ancestors and predecessors in title for more than 100 years. The petitioner further contends that he has been paying the property tax, statutory levies in respect of the property referred to above and that the electricity connection has been obtained for the house constructed on the property. The petitioner further submits that the possession of the property cannot be taken only on the basis that notices issued and without making any enquiry by the Collector, especially when he has raised objections that he cannot be evicted from the lands in question. The petitioner's adjacent land owners, viz., nine persons have filed writ petitions before this Court, challenging the notice for Land Acquisition. This Court while disposing of the writ petition in W.P. No. 22118 of 2007, on 02.08.2007, passed the following order:-

4. In view of the fair submission made by the learned counsel on either side, the petitioner is directed to hand over the possession of her land to the respondents,

within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondents are directed to pay the entire amount of compensation in respect of her land required by them are calculated in respect of patta lands within a period of eight weeks. With the above direction, the writ petition is disposed of.

3. The petitioner further submits that in obedience to the order passed by this Court, the petitioner and other lands owners in S.R. No. 674/1 measuring about 6597 square metre have duly surrendered and handed over the possession of their land to the respondents, viz., The Revenue Authorities and the acquisition authorities took possession from them on 31.07.2010. The further contention of the petitioner is that there was no delay on the part of the petitioner in handing over the possession and there was administrative delay in taking physical possession from the petitioner and therefore, it is to be construed that the authorities should obey their part of the said order in letter and spirit.

4. The petitioner further submits that even on 23.04.2012, the first respondent herein/The District Collector, Kancheepuram sent a communication in his Proceedings in R.C. No. 38780/2007/F1, stating "steps were being taken to disburse the compensation amount" to the petitioners in W.P. Nos. 22116, 22117 and 22118 of 2007, for which proposal was being sent for the perusal of the Principal Secretary cum Commissioner of Land Administration, Chennai and steps have been taken. The petitioner further submits that the Secretary to Government, National Highways, Secretariat, Madras-9 has sanctioned a sum of Rs. 11,49,96,805/- for payment of compensation for 6597 square metre to all the land owners including the petitioner in G.O.Ms. No. 18 NH, dated 26.02.2013. It has also been stated that Rs. 3 Crores had already been sanctioned in G.O.Ms. No. 87 NH dated 20.05.2009 for the same purpose.

5. Thereafter, the District Collector called the petitioner for passing final award vide his letter on 38780/2007/F1, dated 19.03.2013 along with 9 writ petitioners, but the District Collector has made payments only to the above 9 persons in June 2013 and he has not paid the compensation till date to the petitioner. The District Collector, Kancheepuram issued a notice to appear before him for fixing the value of his property vide his Notice ROC 38780/F1, dated 19.03.2013. After the enquiry, the District Collector fixed the value in his letter Award No. 8/2013, F1, dated 20.06.2013 u/s 19(3) Read with 19(6) of National Highways Act, 2001, dated 20.06.2013. Therefore, the petitioner made a representation on 05.11.2013 to the District Collector for making payment as paid to other owners of the property (interest restricted to 20.06.2013). Since the said representation has not evoked any response, the petitioner has come before this Court by filing the present Writ Petition.

6. Heard Mr. K. Chandru, learned counsel for the petitioner and Mr. V. Shanmugasundar, learned Government Advocate for the respondents.

7. Considering the limited scope of the writ petition and without going into the

merits of this case, this Court only directs the respondents to consider the petitioner's representation dated 05.11.2013 and pass appropriate orders on merits and as per law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.