

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.31909 of 2015

Baliaya

... Petitioner

Vs

1. The District Collector
Thiruvallore
Thiruvallore District.
2. The District Revenue Officer
cum Competent Authority (L.A)
The National Highways
Kancheepuram & Thiruvallore Dist.
at camp office Poonamallee
Thiruvallore District.
3. The Project Director
National Highways Authority of India Shree
Towers III floor
Developed Plots
No.34 South Phase
Industrial Estate,
Guindy, Chennai.
[R-3 is suo-motu impleaded as per Order
Dated:08.10.2015 in WP. 31909/2015]

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice dated 06.04.2015 in Na.Ka.462/2013/A/The.No.5 dated 4/2015 of the 2nd respondent quash the same and direct the respondents herein to either to drop the acquisition proceedings of the petitioner's land S.No. 161/1A of an extent of 200 sq.mts. (ii) S.No.161/2A of an extent of 100 sq.mts. and (iii) S.No.164/8A1 of an extent of 21.sq mts with building thereon to an extent of 2084 sq.ft

with fixtures and amenities in Peruvoyal village (Pudhuvotal I), Gummidipoondi Taluk, Thiruvallur District or to determine the compensation for the same including taking note of the value of existing buildings thereon.

For Petitioner : Mr.J.Ramakrishnan

For Respondents : Mr.R.Vijayakumar -R1 & R2
Additional Government Pleader

Mr.Richardson - R3
for M/s P.Wilson Associates

O R D E R

Heard Mr.J.Ramakrishnan, learned Counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents 1 & 2, Mr.Richardson, learned counsel accepting notice for the third respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition to quash the notice issued by the second respondent dated 06.04.2015, in and by which the petitioner has been directed to appear before the second respondent and produce necessary documents so as to collect the compensation which has been fixed by the second respondent.

3.The grievance of the petitioner is that the land has not been properly inspected and the constructions which are existing in the land have not been taken note of and the fixation of compensation as done in the impugned notice is contrary to the procedure prescribed under section 3-B of the National Highways Act, 1956. Further, it is the specific case of the petitioner that the building has not been assessed for compensation, which shows that no proper inspection was conducted.

4.Admittedly, the petitioner has not challenged the land acquisition proceedings. Therefore, the petitioner being a person who has lost his property is entitled for just and fair compensation. Since the lands have been acquired, the second respondent should consider the grievance expressed by the petitioner while arriving at the compensation payable to the

petitioner. Therefore, it is essential that proper inspection is conducted in the property especially when the petitioner states that there was a building in the property which was not assessed for compensation. In any event, the impugned order is only a notice and in my view, the determination done by the second respondent in the impugned notice in paragraph 2 can only be a tentative determination.

5.The learned Additional Government Pleader submitted that the petitioner may be directed to appear before the second respondent along with necessary documents, who shall conduct fresh inspection and thereafter proceed in accordance with law.

6.The learned counsel appearing for the third respondent also does not oppose to this methodology to be adopted by the second respondent.

7.In the light of the above, without setting aside the impugned notice, there will be a direction to the petitioner to appear before the second respondent with all documents in support of his claim, within a period of two weeks from the date of receipt of a copy of this order. On the petitioner appearing before the second respondent and producing the necessary documents, the second respondent shall conduct inspection of the property, after notice to the petitioner and the third respondent and after inspection, determine the compensation payable, within a period of four weeks from the date of which the petitioner submits the documents.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The District Collector
Thiruvallore
Thiruvallore District.

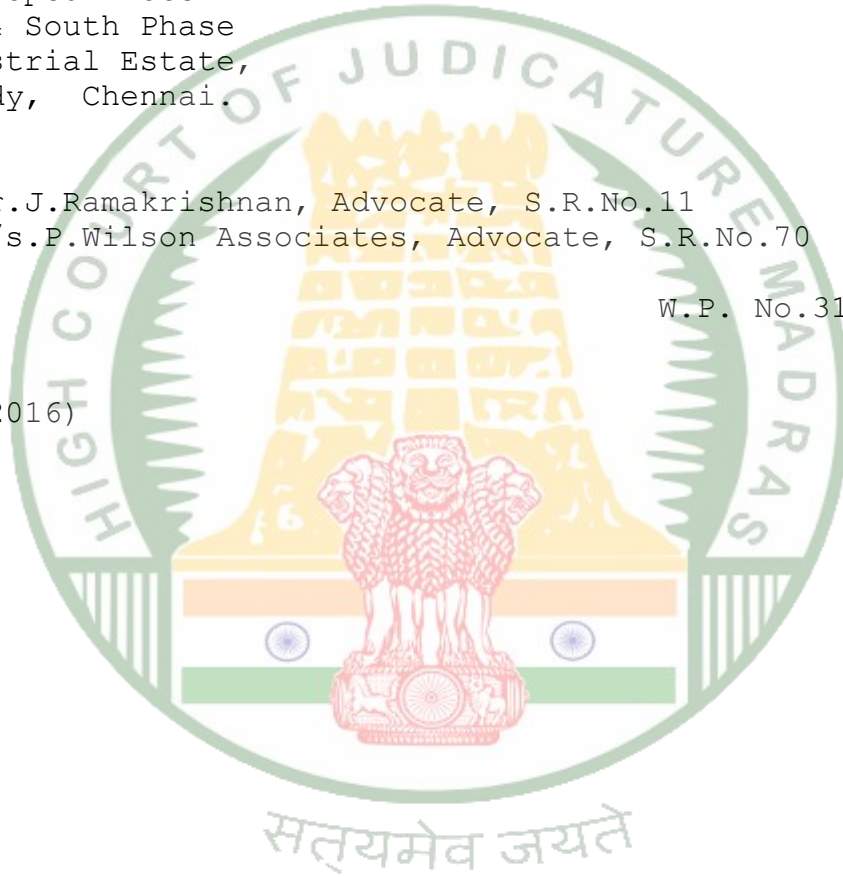
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2. The District Revenue Officer
cum Competent Authority (L.A)
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3. The Project Director
National Highways Authority of India Shree
Towers III floor
Developed Plots
No.34 South Phase
Industrial Estate,
Guindy, Chennai.

+lcc to Mr.J.Ramakrishnan, Advocate, S.R.No.11
+lcc to M/s.P.Wilson Associates, Advocate, S.R.No.70

W.P. No.31909 of 2015

NM(CO)
CA(20/01/2016)



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