

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.12798 of 2017
and
W.M.P.Nos.13661 and 16415 of 2017

D.Pugalendhi

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Collectorate,
Kancheepuram.

2. The Special Tahsildar,
Land Acquisition,
Office of the Special Tahsildar,
Construction Division,
Oragadam Industrial Park road,
Sriperumbudur.

3. M/s. J S R Infra Developers Pvt.Ltd.,
Sarappanancherri Village & Post,
Sriperumbudur Taluk,
Kancheepuram District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents either to demolish the building or proceed with the road work in S.No.303/15(P) (New S.No.303/15B, 303/14(P) New S.No.303/14B, S.No.303/13 Part in No.2 Vandalur Village, Chengleput Taluk, Kancheepuram District, till the determination of the compensation amount for the acquisition of the above lands for Road widening purposes.

For Petitioner : Mr.A.Arun
for Mr.D.Venkateswara Rao

For Respondents : Mr.A.Kumar,
Special Government Pleader for R1 and R2
No appearance for R3

ORDER

This writ petition is filed seeking for a Mandamus forbearing the respondents from demolishing the building or proceeding with the road work in S.No.303/15(P) (New S.No.303/15B, 303/14(P) New S.No.303/14B, S.No.303/13 Part in No.2 Vandalur Village, Chengleput Taluk, Kancheepuram District, till the determination of the compensation amount for the acquisition of the subject matter lands for Road widening purposes.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 1st and 2nd respondents. Though notice was served on the 3rd respondent, they have not chosen to appear either in person or through counsel. Today, their name is printed in the cause list. None appeared for the 3rd respondent.

3. The grievance of the petitioner claiming to be the owner of the subject matter property is that the respondents are trying to demolish the superstructure and proceed with the road work in pursuant to the acquisition proceedings without paying the compensation amount to the petitioner.

4. This Court, while entertaining the writ petition on 17.05.2017, granted interim injunction restraining the respondents from demolishing the building or commencing the road work. Today, the matter is taken up for final

disposal along with the counter and vacate stay petition filed by the 2nd respondent.

5. It is stated in the counter affidavit that payment of compensation under the provisions of Central Act 30/2013 is still available to the petitioner and the Award passed on 31.10.2016 is only an interim award. It is further stated therein that in view of the insertion of Section 105-A under the Central Act 30/2013, the interim award was passed by the Authority to acquire the land under the provisions of Tamil Nadu Highways Act, 2001, subject to payment of additional compensation as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is further stated that the action for the final compensation will be taken on receipt of the approval and publication of the notification inserted to Section 105(A) under Central Act 30/2013 from the Government and final compensation will be paid to the petitioner.

6. Learned counsel for the petitioner submits that in view of the above admission made by the 2nd respondent in the counter affidavit, the writ petition may be disposed of by recording the above said undertaking given by them.

K.RAVICHANDRABAABU,J.

Vsi

7. Considering the above said facts and circumstances and considering the categorical statement made by the 2nd respondent in the counter affidavit as extracted supra, this writ petition is disposed of by recording the above statement of the 2nd respondent and with a further direction to the 2nd respondent to pass final award for payment of compensation within a period of four months from the date of receipt of a copy of this order. In view of the disposal of the main writ petition, the interim order granted already is vacated. No costs. Consequently, connected miscellaneous petitions are closed.

10.10.2017

Speaking/Non Speaking

Index : Yes/No

vsi

To

1. The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram.

2. The Special Tahsildar,
Land Acquisition, Office of the Special Tahsildar,
Construction Division,
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