

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.16283 of 2017
and WMP.No.17614 of 2016

M/s.Ordian Health Care Private Limited
Sri Devei Temple, Tower No.6
Second Main Road, Sambakkam,
Chennai - 600 073.

Rep. by General Power of Attorney Agent
JBM Shelters Private Limited,
Rep. by its Director B.Nirmal Kumar
S/o.J.Babulal
No.59, JBM Towers
GST Road, Pallavaram
Chennai - 600 043. ... Petitioner

-Vs-

1. The Secretary to Government
Highways Department
Fort St.George,
Secretariat, Chennai - 600 009.
2. The Special Tahsildar
Land Acquisition
Chennai Outer Ring Road Project
Tambaram, Chennai.
3. The District Revenue Officer (LA)
Chennai Outer Ring Road Project
CMDA, Koyambedu
Chennai - 600 092. सत्यमेव जयते ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to determine and pay compensation in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquisition of petitioner lands covered in proceedings Na.Ka.No.02/2013 Ch.Ou.RR.Kanchipuram dated 11.12.2015.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.A.Zakir Hussain
Government Advocate

ORDER

The petitioner has come forward with this petition seeking a direction against the second and third respondents to pass an award under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act, 30/2013) for the lands acquired for the purpose of widening the National Highways.

2. The grievance of the petitioner is that in the award dated 11.12.2015, it is categorically mentioned that whatever that is determined as award as per the Tamil Nadu Highways Act, 2001, was to be considered and an interim award and a final award in terms of the Central Act 30/2013, would be passed in due course. The Power of Attorney of the petitioner -company filed a representation dated 30.12.2015, in which he seeks a reference under Section 20 of the Tamil Nadu Highways Act, 2001 for enhancing the compensation in terms of one awardable under Central Act 30/2013.

3. In the counter filed by the third respondent in paragraph No.5, the land acquisition authority has considered its duty to determine the compensation in terms of the provisions of the Central Act 30/2013.

4. The learned counsel for the petitioner submitted that the second and third respondents may be directed to pass an award without undue delay.

5. Heard Mr.A.Zakir Hussain, learned Government Advocate for the respondents.

6. Even though in the representation dated 30.12.2015, the petitioner has required the authorities to refer the matter under Section 20 of the Tamil Nadu Highways Act, 2001, inasmuch as the third respondent has consented to pass an award in terms of the provisions of the Central Act, 30/2013, the second and third respondents may treat the said representation as the one

requiring the authorities to pass an award in terms of the Central Act 30/2013 and dispose of the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

ds

To:

1. The Secretary to Government
Highways Department
Fort St. George,
Secretariat, Chennai - 600 009.
2. The Special Tahsildar
Land Acquisition
Chennai Outer Ring Road Project
Tambaram, Chennai.
3. The District Revenue Officer (LA)
Chennai Outer Ring Road Project
CMDA, Koyambedu
Chennai - 600 092.

+1 CC to The Govt. Pleader sr 90815.

+2 Ccs to Mr.B. Vijay, Advocate sr 90639.

सत्यमेव जयते

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SS (CO)
SP(10/01/2018)

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