

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2017

Coram

The Hon'ble Mr.Justice M.M.SUNDRESH

W.P.Nos.32254 to 32256 of 2016
and W.M.P.Nos.27968 to 27970 of 2016

T.K.Chandrasekaran

... 1st Petitioner in
W.P.No.32254 of 2016
and petitioner in W.P.No.32255
of 2016

T.K.Sasidharan

... 2nd Petitioner in
W.P.No.32254 of 2016 and
petitioner in W.P.No.32256
of 2016

Vs.

1. The Secretary to Govt.
Highways Department
Fort.St.George, Chennai - 600 009.
2. The District Collector
Kancheepuram District, Kancheepuram
3. Head Quarters,
Deputy Tahsildar,
Chengalpet,
Kancheepuram District.
4. Special Tahsildar - Land Acquisition
Orgadam Industrial Park-Road,
Infrastructure Scheme,
Sriperumbudhur.

... Respondents in all W.Ps

Prayer in W.P.No.32254 of 2016: Writ Petition, filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Award No.8/16 in Na. Ka. No. 2/2010 A dated 10.08.2016 under Section 19(3) of Tamil Nadu Highways Act (Act 34 of 2002) passed by the 4th Respondent on the basis of the lapsed notification published at Part II, Section 2(No. 45) dated 21.11.2012 of the Tamil Nadu Gazette by the 1st Respondent, under Section 15(1) of Tamil Nadu Highways Act, 2001

in so far as the Petitioners' land measuring 450 Sq.mtrs in S.No.348B/2B, 550 Sq.mtrs in S.No. 348B/2C and 500 Sq.mtrs in S.No. 348/2A and quash the same and direct the respondents not to proceed with the acquisition of petitioners' land under T.N.Act Highways Act (State Act 34 of 2002), which has lapsed due to the enactment of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013).

Prayer in W.P.No.32255 of 2016: Writ Petition, filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Award No.8/16 in Na. Ka. No. 2/2010 A dated 10.08.2016 under Section 19(3) of Tamil Nadu Highways Act, 2001 (State Act 34 of 2002) issued by the 4th Respondent on the basis of the lapsed notification published at Part II, Section 2 (No. 45) dated 21.11.2012 of the Tamil Nadu Gazette issued by the 1st Respondent, under Section 15(1) of Tamil Nadu Highways Act 34 of 2002, in so far as the same relates to the Petitioners property measuring 2550 Sq.mtrs in S.No.348B1(Part) Thirukachur Village, Chengalpattu Taluk, Kancheepuram District and quash the same and direct the respondents not to proceed with the acquisition of petitioners' land under Tamil Nadu Highways Act 2001 (T.N.Act 34 of 2002), which has lapsed due to the enactment of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013).

Prayer in W.P.No.32256 of 2016: Writ Petition, filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Award No.8/16 in Na. Ka. No. 2/2010 A dated 10.08.2016 under Section 19(3) of Tamil Nadu Highways Act, 2001 (State Act 34 of 2002) issued by the 4th Respondent on the basis of the lapsed notification published at Part II, Section 2 (No. 45) dated 21.11.2012 of the Tamil Nadu Gazette issued by the 1st Respondent, under Section 15(1) of Tamil Nadu Highways Act, 2001 in so far as the Petitioners property measuring 1150 Sq.mtrs in S.No.349A/2A(Part) Thirukachur Village, Chengalpattu Taluk, Kancheepuram and quash the same and direct the respondents not to proceed with the acquisition of petitioners' land under Tamil Nadu Highways Act 2001 (State Act 34 of 2002), which has lapsed due to the enactment of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013).

For Petitioners : Mr.S.Thanka Sivan
in all W.Ps

For Respondents 1 to 4 : Mr.R.A.S.Senthilvel
Additional Government Pleader
in all W.Ps

COMMON ORDER

In all the three Writ petitions, the point which the petitioners seek to address before this Court is that pursuant to the Act 30 of 2013, the compensation has to be fixed thereunder.

2.Learned Additional Government Pleader appearing for the respondents would submit that there is no difficulty in conceding to the prayer of the petitioners except the small extent, which is the subject matter of the writ petitions. Almost the entire project is completed. There is a public interest involved.

3.The entire project is for about 24 kilometers of road. Except a stretch of 400 meters, which is the subject matter of these writ petitions, in all other places, acquisition is over and road is laid. The interim compensation has already been paid and compensation under the Act 30 of 2013 would also be determined in due course.

4.Learned counsel appearing for the petitioners would submit that since there is a running Concern, sufficient time may be granted for shifting. In fact, learned counsel seeks three months' time for vacating the land which is the subject matter of these writ petitions.

5. The grievance of the petitioners stands addressed. They have also been given interim compensation. It has also been agreed to pay the compensation under the Act 30 of 2013. In such view of the matter, this Court is of the view that such a project which has been conceded and executed 99% shall not be kept in abeyance any longer. The public interest also does not warrant it. However, considering the request made by the learned counsel for the petitioners, this Court is inclined to grant two more months from today to handover possession.

6. Accordingly, the writ petitions stand dismissed by granting two months from today to the petitioners to handover

possession. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mmi/raja

To

1. The Secretary to Govt.
Highways Department
Fort.St.George, Chennai - 600 009.
2. The District Collector
Kancheepuram District, Kancheepuram
3. Head Quarters,
Deputy Tahsildar,
Chengalpet,
Kancheepuram District.
4. Special Tahsildar - Land Acquisition
Orgadam Industrial Park-Road,
Infrastructure Scheme,
Sriperumbudhur.

+1cc to Government Pleader in sr.no.44658

+3cc to Mr.S.Thankasivan, Advocate in sr.no.44435

W.P.Nos.32254 to 32256 of 2016
and W.M.P.Nos.27968 to 27970 of 2016

SVI (CO)
NR 27/06/2017

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