

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.04.2017
CORAM
THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
Writ Petition No.33696 of 2016

N.Suyambu . .. Petitioner

vs.

1.The Project Director,
National Highways Authority of
India, T.P.34,
South Phase, Sri Tower 3rd Floor,
Industrial Estate, Guindy,
Chennai - 32.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special District Revenue
Officer cum Land Acquisition
Officer (National Highways),
Kancheepuram District,
Kancheepuram.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to furnish the following documents if they had taken any action under Land Acquisition Act in respect of plot of the petitioner:-1.copy of Section 4(1) Notification, (2)copy of Section 5(a) enquiry, (3)Copy of Section 6(1) declaration, (4)copy of Section 11 proceedings for fixing compensation award, (5)copy of the award passed if any by the Collector of Kancheepuram District under the Land Acquisition Act insofar as the illegal takeover of the petitioner's plot bearing No.73 with an extent of 1 ground and 388 sq.ft. situate in Survey No.291/1 and part 291/3 in Village No.128, Anakaputhur Village, Tambaram Taluk and also pass necessary directions to the respondents to take action immediately within a specified period under the provisions of Land Acquisition Act and to fix the compensation for the petitioner's plot immediately.

For Petitioner : Mr.R.G.Annamalai

For Respondents : Mr.T.Saravanan for R1
Mr.S.Diwakar,
Spl. Govt. Pleader for R2 & R3

ORDER

Seeking a direction to the respondents to furnish certain documents and to fix the compensation, the petitioner has come up with the present writ petition.

2.The petitioner earlier filed a writ petition in W.P.No.19343 of 2012 seeking appropriate direction for payment of compensation for the land utilised for the formation of the road, based upon the report of the Special Tahsildar (Land Acquisition). Pursuant to the inspection made, it was found that an extent of 186 sq.mtrs has been occupied for construction of Chennai Bypass. Thus the said extent has been utilised without following the procedure contemplated under the National Highways Act, 1956 (for short 'the Act').

3.Accordingly, this Court, in the writ petition referred to above, recorded the statement of the respondents that necessary action has already been initiated under the Act. After the disposal of the writ petition on 03.10.2012, Section 3(A)(1) Notification was published, objections were sought for and thereafter, Section 3 (D) (1) Notification was published. Notice under Sections 3 G (3) and 3 G(4) was also published calling for claims for payment of compensation. Though the Award enquiry was posted on 11.11.2003, the petitioner did not appear. On receipt of the notice asking him to attend the enquiry on 22.11.2013, he did appear and produced the copy of the patta and the copy of the document. Thereafter, an award was passed on 17.03.2014. The compensation amount was made ready and the petitioner was requested to appear along with the requisite documents including the sale deed, parent deed, encumbrance certificate etc., On receipt of the said notice dated 19.01.2016, the petitioner did not appear, produce the documents and sign the acquittance register. Thereafter, the petitioner has filed the present writ petition, seeking the aforesaid relief.

4.Mr.R.G.Annamalai, learned counsel appearing for the petitioner would submit that the acquisition proceedings are contrary to law after coming into force of the Act 30 of 2013. Per contra, learned Special Government Pleader appearing for respondents 2 and 3 would submit that due procedure has been followed and pursuant to the order passed by this Court, possession has also been taken long time back and that is the reason why the petitioner has sought for compensation even in the earlier writ petition and therefore, no interference is required.

5.Incidentally, the documents sought for by the petitioner have also been furnished to the learned counsel for the petitioner by the learned Special Government Pleader. This

factum is not in dispute. Now an argument is sought to be addressed beyond the scope of the writ petition. This Court is afraid that the same cannot be permitted in the eye of law. A perusal of the counter affidavit and the relevant documents would clearly show that an extent of 186 sq.mtrs. has already been occupied for construction of Chennai Bypass. An award has also been passed on 17.03.2014. A copy of the award as sought for by the learned counsel has also been served on him even before this Court. Therefore, the petitioner has to work out the remedy in the manner known to law, if he seeks a larger relief.

6.In such view of the matter, the writ petition stands closed by recording the factum of supply of documents sought for by the petitioner and by giving liberty to the petitioner to work out the remedy in the manner known to law, if he is so advised. No costs.

-s/d-
Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

mmi

To

- 1.The Project Director,
National Highways Authority of
India, T.P.34,
South Phase, Sri Tower 3rd Floor,
Industrial Estate, Guindy,
Chennai - 32.
 - 2.The District Collector,
Kancheepuram District,
Kancheepuram.
 - 3.The Special District Revenue
Officer cum Land Acquisition
Officer (National Highways),
Kancheepuram District,
Kancheepuram.
- +1 cc to the Government Pleader sr 22806
+2 cc to M/s.R.G.Annamalai Advocate sr 22471
+1 cc to M/s.P.Wilson Associates sr 22941

W.P.No.33696 of 2016

ss(co)
aa24/04/2017