

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.2016 of 2018

and WMP.No.2527 of 2018

A.V.B.Janani

... Petitioner

Vs

- 1.Union of India
Rep by Secretary
National Highways Department
New Delhi.
 - 2.National Highways Authority of India
Rep by its Project Director
In charge of NH 5
Guindy, Chennai - 600 016.
 - 3.The District Collector of Tiruvallur
Tiruvallur District Collectorate
Chinna Ekkadu, Jaya Nagar
Tiruvallur - 602 001.
 - 4.The Competent Authority (L.A.)
and Special District Revenue Officer
NH-5, Kanchipuram and Tiruvallur District
Kancheepuram District Collectorate
Tamil Nadu.
- ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second and third respondents to pay the compensation amount in full as per RFCTLRR Act along with interest @ 24% from the date of passing and revised award i.e., 30.11.2016 until realization.

For Petitioner : Mr.A.K.Rajaraman

For Respondents : Mr.J.Madhanagopal Rao
Senior Panel Counsel [R1]
Mr.M.Karthikeyan

Additional Government Pleader
[R3 & R4]

ORDER

The grievance that the petitioner expresses through this petition is that the petitioner's property in Old Survey No.87/1A2 correlated to Survey No.87/1A2B of Jeganathapuram Village, Ponneri Taluk, Tiruvallur was acquired under the provisions of the National Highways Act, 1956. An award was passed on 10.10.2014, after coming into force of the Right to Fair Compensation Act and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30.2013) (hereinafter referred to as Right to Fair Compensation Act) on 01.01.2014. When compensation was awarded, no multiplier was applied, and since as per the provisions of the Right to Fair Compensation Act, relevant multiplier must be applied to the market value, and the compensation payable must be determined as per the provisions of the Central Act 30/2013.

2. The counter affidavits of the second and fourth respondents have been filed. In the counter filed by the fourth respondent, it is submitted that necessary multiplier was determined only Vide G.O.(Ms) No.300 (Revenue and Disaster Management) dated 20.09.2017, and by oversight, multiplier of "1" alone was applied, whereas as per the said Government Order, a multiplier at 1.25 has to be applied on the market value.

3. Heard Mr.J.Madanagopal Rao, learned Senior Panel Counsel for the first respondent, Mr.Karthikeyan, learned Additional Government Pleader for respondents 3 and 4 and Mrs.S.R.Sumathy, learned counsel for the second respondent.

4. The learned Additional Government Pleader submitted that the error has occurred due to inadvertance and it can now be corrected and the Land Acquisition Authority would pay the differential sum and such other benefits as are available to the petitioner under law, consequent to the application of multiplier 1.25.

5. The submission of the learned Additional Government Pleader is recorded.

6. Recording the said fact, this Court directs the petitioner to present a fresh representation as to her entitlement based on the application of the multiplier 1.25 within a period of four weeks from the date of receipt of a copy of this Order and upon receipt of the same, the fourth respondent is directed to pass appropriate proceedings consistent with the statement made by the learned Additional Government Pleader on the choice of multiplier at 1.25, and to grant such consequential financial benefits that may flow there from within a period of two months thereafter.

7. With the above direction, this petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1. Union of India
Rep by Secretary
National Highways Department
New Delhi.
2. National Highways Authority of India
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Tamil Nadu.

+1 CC to Mr.J.Madhanagopal Rao Advocate Sr.No.20259

+1 CC to Government Pleader, High Court, Chennai Sr.No.21868

W.P.No.2016 of 2018

KP(11/04/2018)