

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.422 of 2018
and
W.M.P.No.475 of 2018

Kirandevi

Petitioner

Vs

1. The Competent Authority
National Highways Authority of India,
Thiruvallur and Kancheepuram Districts,
At the Office of the Collectorate,
Kancheepuram.

2. The Special Tahsildar,
National Highways Authority of India,
Thiruvallur District,
Office at Poonamallee,
Chennai-600 056.

3. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi,
Thiruvallur District.

4.The District Collector,
Thiruvallur District,
Thiruvallur.

Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from taking possession of land in any other manner interfering with the petitioner's possession and enjoyment of the lands measuring 276 square meters comprised in Old S.No.405/2A3A-Part, which is presently in New S.No.405/2A3A2, at Kilmudalambedu Village, in Gummidipoondi Taluk, Thiruvallur District, Same, till compensation in respect of the said land is paid to the petitioner.

For Petitioners : Mr.R.Krishnaswamy

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The prayer in this case is that the petitioner who has purchased a piece of property in the year 2005 and has also mutated her name in the revenue records has not been paid compensation as about Rs.33,00,000/- payable to her and the Land Acquisition proceedings initiated under National Highways Act, 1956.

2. Responding to the same, Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondents submitted that the lands were acquired by the respondents for the benefit of the National Highways and therefore, the State is duty bound to pay compensation, but mistakenly the amounts were paid to the petitioner's vendor and that revenue records proceedings have also been initiated as such. The mistake what the authority done shall not delay or deny the petitioner of her entitlement to compensation. Therefore, the State is directed to pay the award amount to the petitioner within a period of three months from the date of receipt of a copy of this order and it is free to proceed with the Revenue Recovery proceedings or such other proceedings open to the State under law to realise the amount wrongly disbursed to the petitioner's vendors. The 4th respondent is directed to monitor the revenue recovery proceedings to ensure the State does not suffer any financial loss in the matter.

3. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

ssn
To

1. The Competent Authority
National Highways Authority of India,
Thiruvallur and Kancheepuram Districts,
At the Office of the Collectorate,
Kancheepuram.

2. The Special Tahsildar,
National Highways Authority of India,
Thiruvallur District,
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3. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi,
Thiruvallur District.

4. The District Collector,
Thiruvallur District,
Thiruvallur.

+ 1 cc to M/s.V.Ajoy Khose, Advocate, SR.7140
+ 1 cc to The Govt.Pleader, SR.9695

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nr 20/02/2018



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