

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 3010 of 2018

Dr.G.Karpagavani

.. Petitioner

Vs

1. The Secretary to Government,
Department of Highways,
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2. The Collector,
Kanchipuram District,
Kanchipuram.

3. The Divisional Engineer,
Department of Highways,
Thiruvallur Division,
Thiruvallur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 17.01.2018 and consequently direct the respondents 1 to 3 to determine and pay the compensation in respect of lands in Survey No.34B and 35B of the petitioner acquired by the respondents as per the Sec.19 of the TN Highways Act, 2001.

For Petitioner : Mr.T.Kabilan

For Respondents : Mr.S.R.Rajagopal,
Addl. Advocate General
assisted by Mr.D.Raja,
Addl. Government Pleader

O R D E R

This Writ Petition has been filed seeking seeking for compensation for the lands acquired from the petitioner in Survey No.34/B and 35/B, Rejakilpakkam Village, Chennai.

2. The grievance of the petitioner is that the petitioner's lands were acquired for formation of Tambaram Bypass road in the year 1976 and a declaration under Sec.6 of the Land Acquisition Act, was issued on 19.05.1976. Challenging the above said order, the petitioner has filed a Writ Petition in W.P.No.8643 of 1986 and the Writ Petition was dismissed by this Court by an order dated 17.10.1996. Thereafter, the respondent has not taken steps to pass the award, and so far, the compensation amount was not paid to the petitioner. Therefore, he has made a representation dated 17.01.2018 to the respondents, and that representation was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, notice was ordered to the respondents. Mr.S.R.Rajagopal, learned Addl. Advocate General appearing for the respondents, on instructions, submitted that the land acquisition proceedings were initiated in the year 1976 for forming the Tambaram Bypass road, and the above acquisition proceedings has been lapsed under Sec.11A of the Land Acquisition Act. Now, the respondents are initiating fresh acquisition proceedings under the Tamil Nadu Highways Act. A notice under Sec.15(2) of the Act has been issued to the landowners. As the earlier land acquisition proceedings are lapsed, there is no question of paying compensation.

4. Considering the above submission, as the earlier acquisition proceedings has been lapsed, the petitioner is not entitled to get any compensation. Apart from that, now the respondents have initiated fresh land acquisition proceedings under the Tamil Nadu Highways Act. Hence, the relief sought by the petitioner cannot be granted. However, it is open to the respondents to proceed with the acquisition proceedings. In the result, the present Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
Department of Highways,
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2. The Collector,
Kanchipuram District,
Kanchipuram.

3. The Divisional Engineer,
Department of Highways,
Thiruvallur Division,
Thiruvallur.

+1cc to Mr.T.Kabilan, Advocate SR.No.79256

+1cc to Government Pleader SR.No.795551

W.P. 3010 of 2018

NM(CO)
GMV(01/02/2019)