

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.1043 of 2018

M/s.Lotte India Corporation Limited,
No.4/169, Rajiv Gandhi Salai (OMR Road),
Kandanchavadi Bus Stop,
Opp. Lanson Toyato Show room,
Perungudi Taluk,
Chennai-600 096.
Rep. by its Company Secretary.

... Petitioner

Vs

1. The Secretary to Government,
Highways Department,
Fort St.George,
Chennai- 600 009.

2. The Special Deputy Collector (L.A.)
Tamil Nadu Urban Development Project-III,
Poonamallee, Chennai.

.... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent authority to refer the petitioner's case to Court under Section 20 of the Tamil Nadu Highways Act, 2001 in respect of Award Serial Nos.75,76, 77 and 82 in Award No.2/2013 dated 25.03.2013 acquiring petitioner's 143 Sq.mtr. Of land in S.No.670/2C2, 58 Sq.mtr. of land in S.No.664A/4B, 500 Sq.mtr.of land in S.No.654/1A2B and 438 Sq.mtr.of land in S.No.664A/2B, Nemam B Village, Poonamallee Taluk, Tiruvallur District within a time to be stipulated by this Court.

For Petitioner : Mr.R.Sundarakameshmarthandan

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

In the affidavit filed in support of this petition, it is averred that the properties of the petitioner was acquired under the provisions of the Tamil Nadu Highways Act, 2001, that an award was passed on 25.03.2013, that the petitioner has moved the authority with a prayer to refer the matter to the Civil Court seeking enhancement of compensation under Section 20(1) of the said Act since the petitioner felt dissatisfied with the quantum of compensation awarded. This request was received on 02.05.2013. The acknowledgment of the receipt of the said representation is available at page No.18 of the typed set of papers.

2. Heard both sides.

3. The averments in the affidavit read along with the copy of the award as well as copy of the request make it amply clear that the petitioner has sought reference within 60 days provided therefor under Section 20(1) of the Tamil Nadu Highways Act, 2001. It is extremely unfortunate that the authority who is anxious to acquire the land should sleep over the right of the citizen forcing him to file a litigation which under circumstances is absolutely unnecessary and hence avoidable.

4. This petition is therefore allowed and the second respondent is directed to refer the matter to the concerned civil court within four weeks from the date of receipt of copy of this order. Inasmuch as the second respondent has unnecessarily burdened this Court by his inaction and inconvenienced the litigant, he is directed to pay a cost of Rs.5000/- to the petitioner within four weeks from the date of receipt of a copy of this order and the government is directed to realise the same from the said authority.

5. The Registry is directed to forward a copy of this Order to the Chief Secretary, Government of Tamil Nadu, Fort St.George, Chennai. The State is required to report compliance of this order before this Court.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Secretary to Government,
Highways Department,
Fort St.George,
Chennai- 600 009.

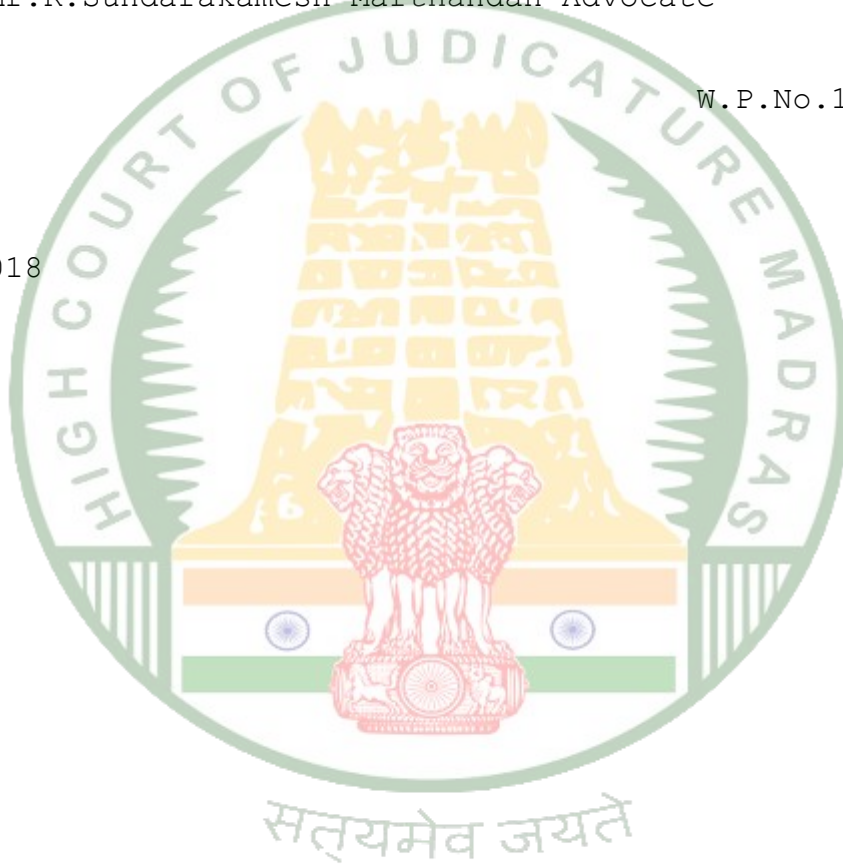
2. The Special Deputy Collector (L.A.)
Tamil Nadu Urban Development Project-III,
Poonamallee, Chennai.

+1 cc to the Govt Pleader sr 6223

+1 cc to Mr.R.Sundarakamesh Marthandan Advocate
sr 5205

W.P.No.1043 of 2018

mg(co)
aa21/02/2018



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