

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 21022 of 2017

K. Neelavathy

...Petitioner

Versus

1. The Government of Tamil Nadu,
Represented by its Secretary,
Department of Highways,
Secretariat, Chennai - 600 005.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The District Revenue Officer (Land Acquisition)
Chennai Outer Ring Project,
CMDA, Koyambedu, Chennai - 92.
4. Special Tahsildar (Land Acquisition)
Chennai Outer Ring Project,
Tambaram, Poonamalle,
Kancheepuram District,
Chennai.
5. The State Highways,
Rep. by its Chief Engineer (General),
Highways Department,
Chennai - 600 005.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to determine final compensation to an extent of 88 Sq.metres of the property bearing Survey No.224B/6B2, situated in No.4/106, G.S.T. Road, Otteri, Vandalur, Chennai - 600 048, in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr. S. R. Raghunathan

For Respondents : Mr. Akhil Akbar Ali,
Government Advocate

O R D E R

The learned counsel for the petitioner submitted that the petitioner owned 88 sq.mtrs of land in Survey No.224B/6B2 situated in No.4/106, G.S.T. Road, Otteri, Vandalur, Chennai - 600 048.

2. The petitioner has purchased a property by way of a sale deed dated 22.03.1990. In 2012, the Highways Department encroached the lands of the petitioner along with the adjacent lands and laid a road without resort to any statutes on Land Acquisition, one Mrs.Kumuthavalli's property was also subject to the said proceedings. Since the authorities have forcibly taken possession of the land, she was constrained to move this Court in W.P.No.11950 of 2012. In its order dated 04.06.2012, passed in W.P.No.11950 of 2012, this Court has recorded the statement of the respondent that the respondent has entered upon the petitioner's land by a mistaken identity and that necessary proceedings would be taken to acquire the land as per law.

3. The learned counsel for the petitioner argued that even thereafter the authorities have not shown any urgency or anxiety to complete the acquisition in the manner known to law. While so, the fourth respondent issued a notice dated 18.12.2015 and compelling the petitioner to accept Rs.1,500/- per Sq.ft by purportedly fixing an interim compensation amount of Rs.39,80,904/- in respect of 88 Sq.mtrs of the property proposed to be acquired from her under the Tamil Nadu Highways Act, 2001. In that Notice, it was further mentioned that the interim compensation had been determined pending adjudication of the compensation amount in accordance with Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. The learned counsel for the petitioner argued that notwithstanding such statement made in the interim award, no final award has yet been passed.

5. Mr. Akhil Akbar Ali, the learned Government Advocate entered appearance for the respondents. The counter affidavit filed by the respondents/authorities have conceded the right of the petitioner to have the compensation determined in accordance with the provisions of Central Act 30 of 2013.

6. In this case, the petitioner is seeking justice since 2012 and it is inappropriate for the respondents to keep a citizen waiting for justice. Therefore, this Court directs the second

respondent to pass a final award within 12 weeks from the date of receipt of a copy of this order. With the above direction, this Writ Petition is disposed of. No costs.

7. It is also hoped that the authorities demonstrate the same level of anxiety to pay the compensation amount payable that they put on display in occupying the property of the petitioner, and aid the judicial system by denying the petitioner an occasion to approach this court yet another time with another petition.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

mrr

To

1. The Secretary,
Department of Highways,
Secretariat, Chennai - 600 005.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The District Revenue Officer (Land Acquisition)
Chennai Outer Ring Project,
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Chennai Outer Ring Project,
Tambaram, Poonamalle,
Kancheepuram District,
Chennai.
5. The Chief Engineer (General),
Highways Department,
Chennai - 600 005.

Copy to

The section officer

Writ Section, High Court, Madras.

(post the matter on 25.04.2018 for reporting compliance)

+1 CC to Mr.S.R. Rajagopal, Advocate sr 3527

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SP(26/02/2018)



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