

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.15359 of 2017

Oriental Hotels Limited,
Rep. by its Company Secretary,
Mr.Tom Antony,
Having its Corporate Office at
No.47, Paramount Plaza,
Mahatma Gandhi Road,
Chennai - 600 034.

...Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
2. The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Secretariat, Chennai - 600 009.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The District Revenue Officer,
Kancheepuram.
5. The Special Tahsildhar,
Land Acquisition,
Oragadam Industrial Infrastructure Scheme,
Sriperumbudur Taluk,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings in

Na.Ka.No.F2/25015/2009 dated 15.05.2017 issued by the fourth respondent, quash the same and direct the third and fourth respondents to determine the compensation under Act No.30 of 2013 in so far as lands in S.No.305/4, 309/1 and 309/2, Pondhur Village, Sriperumbudur Taluk, Kancheepuram District are concerned.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr. M. Karthikeyan,
Additional Govt. Pleader

ORDER

In this case, the petitioner owned separate parcel of lands to an extent of 530 sq.mtr in Surey Nos.305/4, 50 sq.mtr in Survey No.309/1 & 100 sq.mtr in Survey No.309/2 at Pondhur Village, Sriperumpudur Taluk, Kancheepuram District which were acquired by the State Highways Department for the widening of State Highway Road (HN2) and an award was passed on 29.03.2012. Thereafter, petitioner moved the Authorities to refer the matter to the Civil Court under Section 20(1) of the Tamil Nadu Highways Act, 2001 on 12.04.2012. This was followed by another representation dated 23.04.2014. Thereafter, the fifth respondent issued a communication dated 04.07.2016, wherein, he intimated the petitioner that the award amount was fixed at Rs.16,94,639/- and followed by the same, issuance of cheque was intimated to the petitioner. Seeking compensation in terms of the Central Act 30 of 2013, the petitioner herein moved this Court in W.P.No.39625 of 2016 and this Court Vide its order dated 14.11.2016 has directed the respondents to consider the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) that would be applicable for quantifying the compensation.

2. Mr.M.Karthikeyan, the learned Additional Government Pleader, on instructions, assisted by the Special Tahsildar submitted that an award would be passed in terms of Central Act of 30 of 2013.

3. The statement of the learned Additional Government Pleader is hereby recorded. Insofar as this case is concerned, on computing the award in terms of the Central Act 30 of 2013, the Authority may deduct the amount that has already been paid to the petitioner.

4. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Secretary,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
2. The Secretary,
Revenue Department,
Secretariat, Chennai - 600 009.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The District Revenue Officer,
Kancheepuram.
5. The Special Tahsildhar,
Land Acquisition,
Oragadam Industrial Infrastructure Scheme,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to Mr.R.Subramanian, Advocate sr.no.5745

nr 10/07/2018

W.P.No.15359 of 2017

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