

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.23364 of 2017

Mr. G. Karmegha Kannan

...Petitioner

Versus

1. The District Collector,  
Kancheepuram.
2. The Competent Authority and  
Special District Revenue Officer,  
(Land Acquisition), National Highways,  
Kancheepuram & Tiruvallur District,  
Kancheepuram.
3. The Divisional Engineer,  
(Highways) Construction and Maintenance,  
Chennai City Roads Division, Chennai - 15.
4. The Project Director,  
National Highways Authority of India (NHAI)  
PIU - Chennai, Sri Tower, 3<sup>rd</sup> Floor, DP - 34,  
(SP), Industrial Estate, Guindy, Chennai - 32.

(R3 & R4 are suo motu impleaded as per order dated 06.02.2018 by NSSJ in W.P.No.23364 of 2015)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Mandamus to direct the respondent to provide compensation to the land bearing T.S.No.117/2, measuring 7 sq.mt, situate at Block No.10, Ward - E, situated at Irumbuliur Village, Tambaram West, Chennai - 45 as per the present market value.

For Petitioner : Mr.V.Raghavachari  
For Respondents : Mr. A.Zakir Hussain,  
Government Advocate for R1 & R2  
Mr.Richardsonwillson for  
M/s.Wilson Associates for R3 & R4

ORDER

The short question involves in this case is whether petitioner's property ad-measuring 47 sq.mtr in T.S.No.117/2 of Irumbuliur Village, Tambaram West, Chennai - 45 was acquired for widening of National Highways under the provisions of the National Highways Act, 1956, and the Competent Authority has awarded compensation in terms of the provisions envisaged in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of

2013) 40 sq.mtr. Alleging the contra, the present petition has been filed seeking compensation for the remaining 7 sq.mtr.

2. In this case, counter affidavit has already been filed. Mr.A.Zakir Hussain, the learned Government Advocate entered appearance for the Land Acquisition Authority. Today (23.02.2018), the learned Government Advocate circulated the proceedings of the Competent Authority in Na.Ka.No.177/2007/A2/Thae.Nae/dated 17/02/2018, wherein, the Competent Authority states that an inadvertent error in not paying compensation for 7 sq.mtr has been noticed and has taken a decision to pay compensation for the left out 7 sq.mtr. The said proceedings of the Competent Authority is recorded.

3. In view of the development, this Court directs the Competent Authority/second respondent to pay compensation for the 7 sq.mtr. within four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. However, this will not be a bar for the petitioner to seek any enhancement, in case, he is aggrieved by the award to be passed by the Competent Authority. No costs.  
mrr

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,  
Kancheepuram.
2. The Competent Authority and  
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(SP), Industrial Estate, Guindy, Chennai - 32.

+1cc to Mr.V.Raghavachari, Advocate sR.No.14248  
+1cc to Mr.Richardsonwilson, Advocate sr.no.14733  
+1cc to Government Pleader Sr.No.14230