

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 18412 of 2017

P. Kumuthavalli

...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 of the property bearing Survey Nos.224B/5B, ad-measuring an area of 222 Sq.metres, situated in No.4/23, 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 222 sq.mtrs of land in Survey No.224B/5B situated in No.4/23, G.S.T. Road, Otteri, Vandalur, Chennai - 600 048.

2. The petitioner has purchased a property under 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. Since the authorities have forcibly taken possession of the land, the petitioner 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 third respondent issued a notice dated 30.09.2015, requiring the petitioner to appear for an enquiry to take place on 19.10.2015. Thereafter, petitioner was informed that an interim award dated 16.12.2015 has been passed and that the final award would be passed in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 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)
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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 3529

W.P.No.18412 of 2017

SP(26/02/2018)