

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 21766 of 2016
and
W.M.P.No. 18617 of 2016

K. Neelavathi

...Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by its Secreary,
Department of Highways, Secretariat,
Chennai - 5.
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 - 5.
6. Tamil Nadu Road Development Corporation Ltd.,
No.346, Pantheon Road,
Egmore, Chennai - 8.
7. Tmt. Chinnammal
8. Tmt. Pattammal
(R-8 is impleaded as per Order dated:04.01.2017 in WMP.No.36903
of 2016 in W.P.No.21766 of 2016.)

...Respondents

Writ Petition 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.217/2A2 & 218B/8A2 situated in No.4 of 157, GST Road, Otteri, Vandalur Village, Chennai, in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Ms. R. Vaishali
for Ms. Vijayalakshmi Rajagopal

For Respondents 1 to 5 : Mr. Akhil Akbar Ali,
Government Advocate

Respondent 6 : Mr. M. Sivavarthan

Respondent 7 : Mr. V. Baskaran

Respondent 8 : Mr. D. Magesh

O R D E R

The case of the petitioner is that a property comprised in Survey Nos.217/2A2 & 218B/8A2 in GST Road, Otteri, Vandalur Village, Chennai was acquired under the Provisions of the Tamil Nadu Highways Act, 2001, that the compensation has to be paid in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), that the third respondent has passed only an interim award dated 16.12.2015 for Rs.3,15,25,970/- and another sum of Rs.4,38,85,711/-. She therefore pressed that the final award to be passed in provisions of Central Act, 30 of 2013.

2. Mr.Akhil Akbar Ali, the learned Government Advocate takes notice for the respondents 1 to 5 and Mr.Sivavarthan, the learned counsel takes notice for the sixth respondent. The Official respondents have filed their counter affidavits. The learned Government Advocate appearing for them submitted that the final award will be passed only in terms of Central Act 30 of 2013 and the process is under way.

3. The respondents 7 and 8 are rival claimants to the compensation amount, have filed their respective counters. The eighth respondent is also filed the typed set of papers.

4. The scope of this petition is limited and the same has to be considered particularly by the official respondents. So far as the rival claimants are concerned, it is a matter arising out of the claim of right over the property acquired and this

Court cannot decide it in this writ petition, but is one to be raised before the third respondent who is a land acquisition authority.

5. This writ petition is therefore allowed and the third respondent is directed to issue notice to the petitioner and also to the seventh and eighth respondents to their respective addresses given in the writ petition, grant them adequate and effective opportunity of being heard in the matter and to pass the final award in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. Accordingly, this Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

To

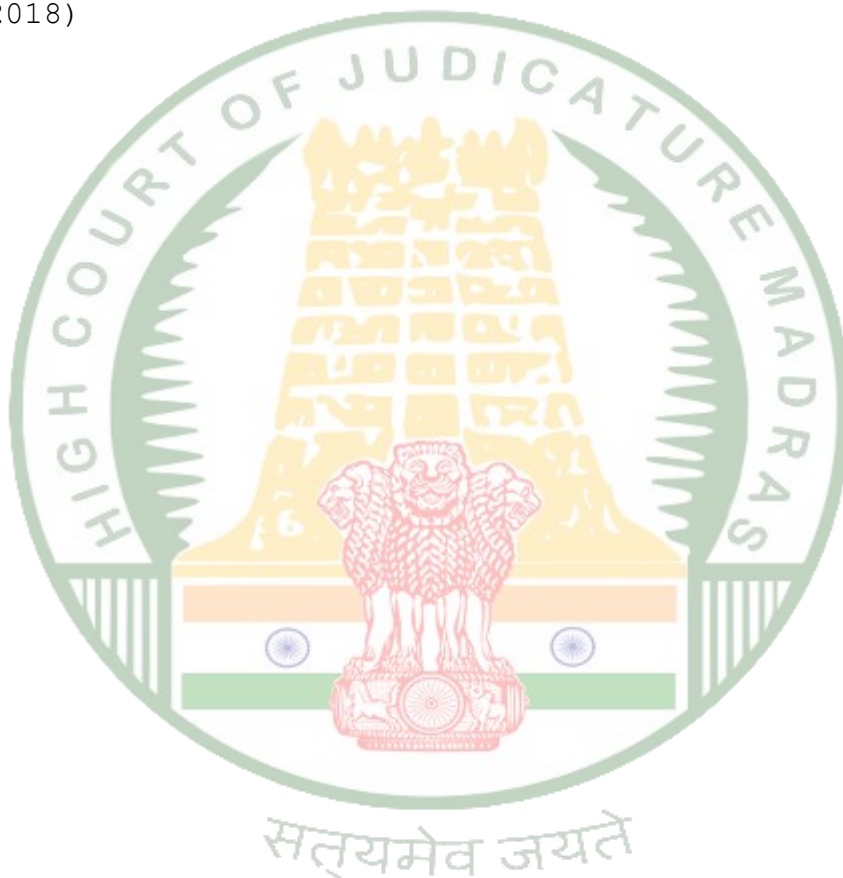
1. The Secretary,
Department of Highways, Secretariat,
Chennai - 5.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The District Revenue Officer (Land Acquisition),
Chennai Outer Ring Project,
CMDA, Koyambedu, Chennai - 92.
4. Special Tahsildar (Land Acquisition),
Chennai Outer Ring Project,
Tambaram, Poonamalle,
Kancheepuram District,
Chennai.
5. The Chief Engineer (General),
Highways Department,
Chennai - 5.

6. Tamil Nadu Road Development Corporation Ltd.,
No.346, Pantheon Road,
Egmore, Chennai - 8.

+1 CC to Mr. M. Sivavarthanan, Advocate sr 2323.
+1 CC to Ms. Vijayalakshmi Rajagopal, Advocate sr 2579.
+1 Cc to Mr.D. Magesh, Advocate sr 2275.

W.P.No.21766 of 2016

SP(25/01/2018)



WEB COPY