

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.3884 of 2015
and
W.P.M.P.Nos.2 & 3 of 2015

B. Mahalakshmi

...Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Highways and Minor Ports (HS-I),
Fort St.George,
Chennai - 600 009.
2. The Chief Engineer,
(Construction and Maintenance),
Highways Department,
Chepauk,
Chennai - 600 005.
3. The District Collector of Kancheepuram District,
O/o. District Collector of Kancheepuram District,
Kancheepuram Town,
Kancheepuram District.
4. The Special Tahsildar,
Land Acquisition (General),
Oragadam Industrial Park,
Road Construction Project,
Sriperumbudur,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records, pertaining to the Land Acquisition proceedings initiated by the first respondent in G.O.(2D) No.15 Highways and Minor Ports Department dated 22.11.2011 as published in issue No.48, Part-II, Section 2 dated 21.12.2011 together with its consequential Award No.01/2014 dated 15.12.2014 issued by the fourth respondent in Na.Ka.No.15/2010/A, with respect to the lands comprised in Survey No.252/6A, measuring an extent of 450 Sq.Mtrs. Bearing Patta No.1937 situate at Old No.174, New No.121, Vadakal - B Village, Sriperumbudur Taluk, Kancheepuram District, so as to quash the same.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner : Mr. N. Jothi

For Respondents

: Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

The petitioner owned a piece of property in Old Survey No.252/6 co-related New Survey No.252/6A in Patta No.423, situated at Old No.174, New No.121 of Vadakal-B Village, Sriperumbudur Taluk, Kancheepuram District, which she purchased on 22.04.2013.

2. This property was sought to be acquired under the provisions of the Tamil Nadu State Highways Act, 2001. A notification was issued under Section 15(1) on the said Act dated 21.12.2011. On 15.12.2014, the Land Acquisition Authority has passed an interim award under Section 19(6) of the Tamil Nadu State Highways Act, 2001. The petitioner now challenges this interim award of the land acquisition authority on twin grounds namely,

- That the award has not been passed in the name of the petitioner, but in the name of her vendor.

- That the authority ought to have passed an award under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

3. Counter Affidavit has not been filed. Mr. M. Karthikeyan, the learned Additional Government Pleader entered appearance for all the respondents and he made a statement along the lines of the counter affidavit, that the Land Acquisition Authority has now consented to pass an award in the name of the petitioners, provided the petitioner satisfies the authority with her title, and that the Tahsildar has already sent a communication to this effect under R.C.No.15/2010/A dated 12.01.2018. He added that a final award will be passed as per the principles enunciated under the Central Act 30/2013.

5. The statement of the respondents made in the counter affidavit and now reiterated by the learned Additional Government Pleader is recorded.

6. This Court therefore chooses to modify the prayer and direct the petitioner to respond to the notice of the Land Acquisition Authority dated 12.01.2018, whereupon, the Authority concerned shall proceed to pass a final award in terms of the statement made on his behalf and herein above recorded. If any amount received by the petitioner in terms of the interim award, in the eventuality the same being disbursed to her, it is liable to be deducted from the amount to be determined in the final award.

7. The respondents should respond to this order within four weeks from the date of receipt of a copy of this order. The learned counsel for the petitioner submits that once the Land Acquisition Authority completes the enquiry, based on his communication dated 12.01.2018 and disburse the interim compensation, the petitioner would be surrendering the

possession within two weeks thereof. The said statement of the petitioner is also recorded and accordingly is directed to be complied. The final award be passed expeditiously.

8. Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petitions are closed.

mrr

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Highways and Minor Ports (HS-I),
Fort St.George,
Chennai - 600 009.
2. The Chief Engineer,
(Construction and Maintenance),
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+1cc to M/s.M.C.Govindan, Advocate Sr.No.7087/18

SJ(CO)
sm:6.4.2018

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