

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDHASAN

W.P.No.16671 of 2018

M.Arumugam

...Petitioner

Vs.

- 1.The Arbitrator and District Collector
Office of the Arbitrator and District Collector
District Collector Campus
Tiruvallur District.
- 2.The Competent Authority and Special District
Revenue Officer, (LA), National Highways 205,
Tiruvallur,
Tiruvallur District.
- 3.The Project Director,
National Highways Authority of India
Project Implementation, Unit Chennai
Sri Tower, 3rd Floor DP 34 (SP)
Industries Estate, Guindy,
Chennai 600 032.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 19.06.2018 seeking an enhancement of the compensation amount for sum of Rs.623/- per sq.ft. or Rs.6703/- per sq.mt with interest of 9% per annum for the difference amount determined in this orders from the date of taking possession under Section 3 (D) of National Highways Act, 1956 till the date actual deposit as per the orders of the 1st respondent in R.C.No.21016-1/2016/F3/dated 12.07.2017.

For Petitioner	: Mr.R.Vijayakumar
For Respondents	: Mr.D.Raja for R1 and R2
	Additional Government Pleader
	: Mrs.S.R.Sumathy for R3

O R D E R

The Writ Petition has been filed seeking for a direction to the respondents to consider the petitioner's representation dated 19.06.2018 for an enhancement of the compensation.

2. The case of the petitioner is that he is the absolute owner of the commercial lands measuring 22737 sq.m. situated in Survey Nos. 121/1B2, 122/1B and 122/4B in Vedhanginallur Village, Tiruvallur District. The above mentioned lands were acquired by the 2nd respondent for expansion of National Highways 205 from Chennai to Tirupathi. Pursuant to the acquisition proceedings, an award in Award No. 28/2011 was passed by the 2nd respondent on 09.11.2011, fixing the land value at Rs.56 per sq.ft (Rs.603 per sq.m).

3. Aggrieved by the said award, the petitioner filed an Arbitration Petition before the 1st respondent, District Collector, Tiruvallur and by proceedings dated, 25.02.2015, the 1st respondent enhanced the compensation from Rs.56/- per sq.ft to Rs.210/- per sq.ft along with interest @ 9% per annum from the date of 3D notification till the date of actual deposit. Challenging the enhanced compensation awarded by the 1st respondent, the 2nd respondent preferred an appeal before the District Court, Tiruvallur, in Arbitration O.P. No. 192 of 2015. During the pendency of the said O.P., the 3rd respondent herein, namely, the Project Director, National Highways Authority of India, awarded compensation of Rs.623/- per sq.ft in respect of adjacent land owners. Likewise, the 1st respondent, also awarded a similar sum of Rs.623/- per sq.ft or Rs.6703/- sq.m as compensation in respect of a land owner owning lands in Survey No. 122/2B2, 121/1B2, 122/4B, wherein the petitioner's land is also situated. Hence, the petitioner made a representation dated 19.06.2018 to the 1st respondent seeking enhancement of compensation on par with similarly placed land owners. However, no orders were passed on the said representation. Hence, the present writ petition.

4. A counter affidavit has been filed by the 3rd respondent today, stating that during the pendency of the O.P. filed by the 2nd respondent, the petitioner had offered to enter into a compromise with the 2nd respondent and as per the terms of the compromise, the petitioner had voluntarily agreed to forego 25% interest accrued on the compensation amount awarded by the 1st respondent based on the compromise decree has been passed by the Principal District Judge, Thiruvallur, and amount was also deposited on 08.11.2011 the writ petitioner had also received the enhanced compensation. Therefore, the petitioner is not entitled to seek enhanced compensation.

5. Heard, Mr.R.Vijayakumar, the learned counsel appearing for the petitioner and Mr.D.Raja, the learned Additional Government Pleader for respondents 1 and 2 and Mrs.S.R.Sumathy, the learned counsel for the third respondent.

6. Considering the fact that original award was passed as early as in 2011, that the compensation was also enhanced subsequently by the District Collector, Tiruvallur, in the Arbitration Petition filed by the petitioner, thereafter, during the pendency of Arbitration O.P. No. 192 of 2015 filed by the 2nd respondent before the District Court, Tiruvallur challenging the enhanced award passed by the District Collector, Tiruvallur, the petitioner had entered into a compromise with the 2nd respondent and in terms of the compromise memo, a decree has also been passed by the Principal District Judge, Tiruvallur, pursuant to which the compensation amount has been deposited and the petitioner is also in receipt of the said amount. That being the position, now is not open to the petitioner to seek enhanced compensation, that too, by filing a representation.

7. In the said circumstances for the reasons aforesated, the relief sought by the petitioner cannot be granted. Hence, the writ petition fails and the same is dismissed. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

- 1.The Arbitrator and District Collector
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- 2.The Competent Authority and Special District
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Sri Tower, 3rd Floor DP 34 (SP)
Industries Estate, Guindy,
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+1 CC to Mr.R.Vijayakumar, Advocate sr 60171
+1 CC to Govt. Pleader sr 38370.

W.P.No.16671 of 2018

PVS (CO)
SRG (27/09/2018)



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