

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.Nos.17914 & 21706 of 2010 and
M.P.Nos.1,2 of 2010 and
M.P.Nos.1,1 of 2011 and
M.P.No.1 of 2015 and
W.M.P.No.28325 of 2016

Hindustan Institute of Technology & Science
(Deemed University),
Established under Sec 3 of the UGC Act 1956,
Rep by its Registrar,
Rajiv Gandhi Salai (OMR),
Padur, Chennai 603 103. ... Petitioner in both W.Ps

-Vs-

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Highways Department,
Secretariat, Chennai 600 009.
- 2.The District Collector,
Kanchipuram.
- 3.The Tamil Nadu Road Development Company Ltd.,
Rep by its Managing Director,
Sindur Panthion Plaza II Floor,
346, Pantheon Road, Egmore, Chennai 600 008.

Cause title amended as per order dated 25.08.2010 in
M.P.No.2 of 2010 in W.P.No.17914 of 2010

- 4.The Divisional Engineer, Highways,
Chengalpattu Division,
Chengalpattu.
- 5.The Special Deputy Collector (Land Acquisition),
I.T.Express Highway Scheme,
Tambaram, Chennai. ... Respondents in both W.Ps

Prayer in W.P.No.17914 of 2010 : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to forthwith consider the detailed objections submitted by the petitioner ending with the representation dated 28.07.2010.

Prayer in W.P.No.21706 of 2010 : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents pertaining to the order of the first respondent in G.O.Ms.No.209, Highways & Minor Ports (HW2) dated 14.06.2010 published at page 7 to 11 of Supplement to Part II - Section 2 of Tamil Nadu Government Gazette dated 07.07.2010 (Issue No.26A) and quash the same in so far as the petitioner is concerned and directing the first respondent to delete the lands of the petitioner from acquisition by considering the detailed objections dated 28.07.2010.

In both W.Ps

For Petitioner : Mr.Muthumani Doraisami
For Respondents : Mr.J.Pothiraj,
Special Government Pleader for RR
1,2,4 & 5
: Mr.M.Sivavarthan for R3

COMMON ORDER

It is represented by the learned counsel appearing for the parties that by virtue of joint memo of compromise dated 03.05.2018, signed by the parties in the writ petitions, settlement has been arrived between the petitioner and the respondents.

2. The contents of the memo are hereby recorded and being made as part of this order as follows:-

JOINT MEMO OF COMPROMISE

1. Due compensation for the land acquired from the writ petitioner shall be paid by the Government as per law.

2.Value of the structures affected by acquisition will be compensated as per the valuation and award passed by the Land Acquisition Officer.

3. The petitioner/Hindustan Engineering Training Centre (Holding Society of the petitioner University) which is the owner of the lands has so far not

received any compensation for the lands acquired. However, an interim award in Award No.3 of 2017 dated 10.02.2017 has been passed in favour of the petitioner/HETC Society and the Society has sought for enhancement of compensation by the competent Court by letter dated 13.03.2017 and requested the Land Acquisition Officer to refer the case for enhancement of compensation to the competent Court.

4. It is open to the petitioner/HETC to approach the Land Acquisition Officer for withdrawal of the interim compensation amount already determined/awarded.

5. If the petitioner/HETC is not satisfied with the quantum of compensation to be awarded in the final award, the Society is at liberty to move the competent Court for enhancement of the compensation.

6. Regarding service road, a public road will be provided as service road and the same will be laid as Katcha Road for the present. Decision regarding Provision of pucca service road will be taken after the completion of construction of the project site.

7. Access to main carriage way from service road will be provided at appropriate locations considering the safety of the road users.

8. Capacity of the pond will be maintained by de-silting with proper overflow disposal and bunds will be repaired/strengthened against any damages caused during construction.

9. Safety Barricade will be provided between the writ petitioners campus and project site to prevent trespassing and for the safety of public as well as students from having access to the project site.

10. Regarding writ petitioner's access to Arts College Campus during construction period, proper access will be provided by proper phasing of construction stages.

11. Truck-lay-by site will be located by considering the safety of Girls Hostel inmates.

12. Writ petitioner will hand over possession of the land after 4 weeks from the disposal of writ petitions.

3. In view of the same, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The Secretary,
Highways Department,
Secretariat, Chennai 600 009.
- 2.The District Collector,
Kanchipuram.
- 3.The Managing Director,
The Tamil Nadu Road Development Company Ltd.,
Sindur Panthion Plaza II Floor,
346, Pantheon Road,
Egmore, Chennai 600 008.
- 4.The Divisional Engineer, Highways,
Chengalpattu Division,
Chengalpattu.
- 5.The Special Deputy Collector (Land Acquisition),
I.T.Express Highway Scheme,
Tambaram, Chennai.

+1cc to Mr.Sivavarthanan, Advocate, SR.35169

+2cc to Mr.Muthumani Doraisami, Advocate, Sr.35062

W.P.Nos.17914 & 21706

GSP (22/06/2018)

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