

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30..11..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.30780 of 2018
and
W.M.P.Nos.35919 & 35921 of 2018

Tmt.M.Muppidiathi Gnanavadivoo

... Petitioner

-Versus-

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.

2.The District Collector,
Chennai District.
Chennai 600001.

3.The Special Tahsildar (Land Acquisition),
Mass Rapid Transit System,
Phase II Extension, Thirumayilai Railway Station
Mylapore, Chennai 600004.

4.The Deputy Chief Engineer,
Metropolitan Transport Project (Railway-I),
Southern Railway,
Chennai 600004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari fied Mandamus calling for the entire records relating to Interim Award No.1/2016 dated 20.09.2016 passed by the 3rd respondent and to quash the interim award and for a consequential direction to the respondents to fix the market value at Rs.9000/- per square feet with other statutory benefits like solatium, additional compensation, interest, etc.

For Petitioner : Mr.Adithya Reddy

For Respondents : Mr.D.Raja, AGP for R1 to
R3

ORDER

This writ petition has been filed challenging the interim award passed by the 3rd respondent in Award No.1/2016 dated 20.09.2016 insofar as it relates to the compensation in respect of the land acquired from the petitioner and for a consequential direction to fix the market value of the land at Rs.9,000/- per square with other statutory benefits like solatium, additional compensation, interest, etc.

2. According to the petitioner, he is the absolute owner of the land measuring an extent of 3441 square feet comprised in New S.No.20/2 (old Survey No.52/1) of Alandur Taluk, Adambakkam Village, Kancheepuram and out of which an extent of 1206 square feet of land is sought to be acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 for the Mass Rapid Transit System (MRTS).

3. The learned counsel for the petitioner submitted that in a batch of writ petitions challenging the interim award, when some of the aggrieved land owners had expressed their willingness to go in for a private negotiation, a learned single Judge of this court, permitted them to go in for a private negotiations and pursuant to the order of this court private negotiations were conducted by the authority concerned.

4. Even though the interim award has been put under challenge in this writ petition, during the course of hearing of the writ petition, the learned counsel for the petitioner submitted that the petitioner was also willing to go in for a private negotiation, but, he was not permitted to participate in the private negotiation for want of court order. He further submitted that the petitioner is still willing to go in for a private negotiation and therefore, it would be suffice if the petitioner is permitted to participate in the private negotiation being conducted by the authority concerned.

5. Mr.D.Raja, learned Additional Government Pleader, on instructions, submitted that the petitioner may be permitted to participate in the private negotiation being conducted.

6. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the case, this court holds that the petitioner is at liberty to participate in the private negotiation and the authority who conducts private negotiation is directed to permit the petitioner to participate in the private negotiation to be held for the purpose of awarding compensation for the land acquired from the petitioner for MRTS project.

7. In the result, this writ petition is disposed of with the above directions. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.Adithya Reddy, Advocate, S.R.No.83026

+1cc to the Government Pleader, S.R.No.82634

W.P.No.30780 of 2018

MG(CO)
GSP(05/12/2018)