

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 265 of 2004
and
W.P.M.P. 265 of 2004

1. P.Subramanyam
2. P.Krishnayya

... Petitioners

Vs

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. District Revenue Officer,
Tiruvallur District,
Tiruvallur.
3. The Special Tahsildar,
Land Acquisition for National
Highways (NH-5),
O/o. District Collectorate,
Tiruvallur.
4. P.Rajagopal,
S/o. Pokala Adi Narayanaswamy Naidu,
Chinnaobalapuram,
Periyaobtalapuram P.O.,
Gummidipoondi Taluk,
Tiruvallur District.
5. P.Purushotham,
S/o. Pokala Adi Narayanaswamy Naidu,
No.6/635-4, Sankarapuram,
Cuddappah-516 502. A.P.
6. P.R.Venkateswaralu,
S/o. P.Radhaiah
No.203, Thiruvottiyur High Road,
Thiruvottiyur,
Chennai-19.

7. P.R.Siva,
S/o. P.Radhaiah
No.203, Thiruvottiyur High Road,
Thiruvottiyur,
Chennai-19.

8. P.R.Ramani,
S/o. P.Radhaiah
No.203, Thiruvottiyur High Road,
Thiruvottiyur,
Chennai-19.

9. P.R.Suri,
S/o. P.Radhaiah
No.203, Thiruvottiyur High Road,
Thiruvottiyur,
Chennai-19.

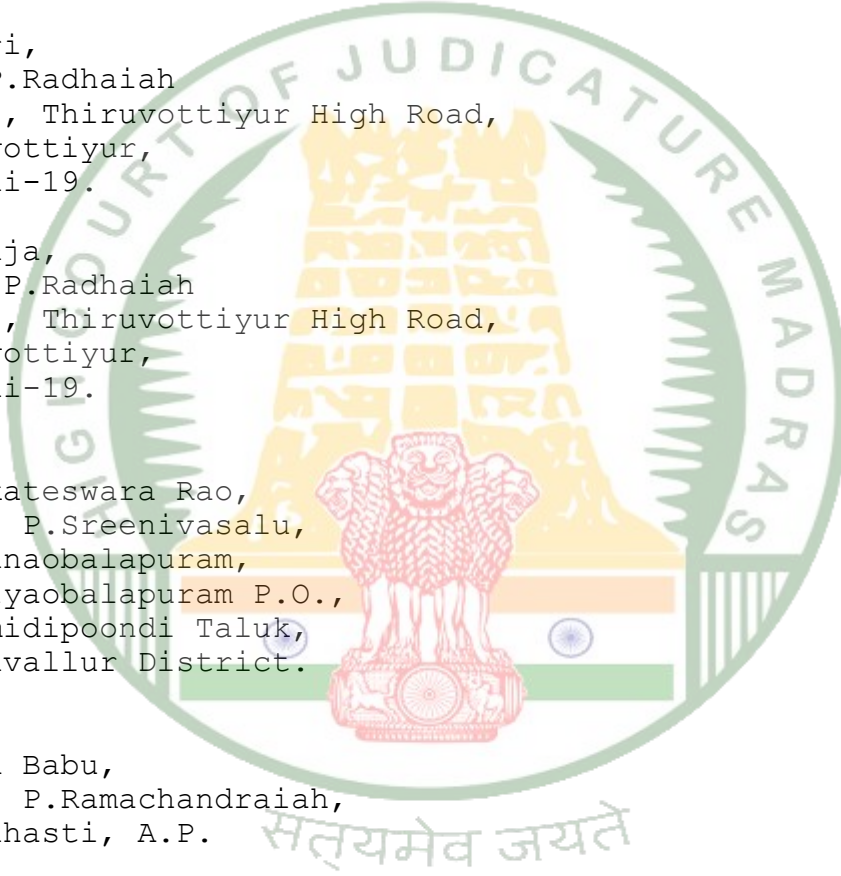
10. P.R.Raja,
S/o. P.Radhaiah
No.203, Thiruvottiyur High Road,
Thiruvottiyur,
Chennai-19.

11. P.Venkateswara Rao,
S/o. P.Sreenivasalu,
Chinnaobalapuram,
Periyaobalapuram P.O.,
Gummidipoondi Taluk,
Tiruvallur District.

12. Rajesh Babu,
S/o. P.Ramachandraiah,
Kalahasti, A.P.

13. Prasad Babu,
S/o. P. Ramachandraiah,
Kalahasti, A.P.

14. Sharan Vencers Pvt. Ltd.,
G.N.T.Road,
Chinnaobalapuram,
Gummidipoondi-601 201.
Tiruvallur Dt.



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15. National Highways Authority of India,
rep. by its General Manager cum
Project Director,
Project Implementation Unit,
23/1343, Roshan Manzil,
Tekkemitta, Dargamitla,
Nellore-524 003.

15th respondent impleaded as per
the order dated 23.06.2004 in
W.P.M.P.No.19216 of 2004

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to refer the issue of disbursement of compensation under Section 30 of the Land Acquisition Act to the appropriate Land Acquisition Tribunal for adjudication of the question of apportionment of compensation relating to the property comprised in Punja Survey No.176/A-5A situate at Chinnaobulapura Village, Gummidipoondi Taluk, Tiruvallur District.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.M.Elumalai,
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed seeking a direction to direct the respondents 1 to 3 to refer the issue of disbursement of compensation under Section 30 of the Land Acquisition Act to the appropriate Land Acquisition Tribunal for adjudication of the question of apportionment of compensation relating to the property comprised in Punja Survey No.176/A-5A situate at Chinnaobulapuram Village, Gummidipoondi Taluk, Tiruvallur District.

2. The learned counsel appearing for the petitioners would submit that their land was acquired for widening the highways under the National Highways Act (hereinafter called as 'Act') and the dispute is with regard to the apportionment of compensation. The appropriate procedure for disbursement of compensation is that the acquisition officer has to refer the matter to the competent civil court under Sec.3(H)(4) of the Act. However, till date, the matter was not referred to the competent Civil Court. Hence, he prayed to issue a suitable direction to the concerned respondents.

3. The learned Addl. Government Pleader appearing for the respondents 1 to 3 would submit that the acquisition body has to refer the matter before the competent civil court for apportionment of compensation. Hence, he prayed to pass appropriate orders.

4. In view of the above, on recording the consent duly expressed by the learned counsel appearing for the petitioners, I am inclined to issue a direction to the 3rd respondent to refer the matter before the competent civil court under Sec.3(H)(4) of the Act within a period of four weeks from the date of receipt of the copy of this order. With the above direction, the present Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. District Revenue Officer,
Tiruvallur District,
Tiruvallur.
3. The Special Tahsildar,
Land Acquisition for National
Highways (NH-5), सतयमेव जयते
O/o. District Collectorate,
Tiruvallur.
4. General Manager cum
Project Director,
National Highways Authority of India,
Project Implementation Unit,
23/1343, Roshan Manzil,
Tekkemitla, Dargamitla,
Nellore-524 003.

+1cc to Mr.R.Munuswamy, Advocate SR.No.62023

+1cc to Mr.ML.Ramesh, Advocate SR.No.61612

+1cc to Mr.VG.Sureshkumar, Advocate SR.No.61843

+1cc to Government Pleader SR.No.62415

W.P. 265 of 2004
and
W.P.M.P. 265 of 2004

VSN II (CO)
GMY (20/08/2019)



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