

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6261 of 2010
and M.P.No.1 of 2010

M/s.Doasco (India) Pvt Ltd.,
represented by its Director,
Mr.Kamal Kishore Bangur,
No.6, Waterloo Street,
Suite 309, 3rd floor,
Kolkatta - 700 069.

... Petitioner

Vs.

1. The Collector,
Thiruvallur District,
Thiruvallur.

2. The Special District Revenue Officer,
Land Acquisition,
National Highways Schemes,
Kancheepuram and Tiruvallur District,
Camp Office at Poonamalllee.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Mandamus directing the second respondent to pay the balance amount of Rs.15,00,000/- as compensation towards the Land acquired in S.No.81/1C Athipattu village of Ambattur Taluk by the respondents from the petitioner along with its interest.

For Petitioner : M/s.Vedavallikumar

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

The prayer in the writ petition is to issue writ of Mandamus directing the second respondent to pay the balance amount of Rs.15,00,000/- as compensation towards the Land acquired in S.No.81/1C Athipattu village of Ambattur Taluk by the respondents from the petitioner along with its interest.

2. The grievance of the writ petitioner is that under the Land Acquisition National High way Scheme his property to an extent of 348 sq.mts in S.No.81/C at Tiruvallur district,

Ambattur taluk, Athipattu village has been acquired by the National High Ways for the purpose of formation of High Ways. Vide proceedings RC.No.135/06/A/TVR dated 21.03.2007 and RC 29/08/A/NH/TVR dated 09.06.2008 the respondent has made payment to the petitioner as compensation for a sum of Rs.10,79,855/- in respect of 150 sq.mtrs for survey No.81/1C. The compensation amount of Rs.10,79,855/- had been paid to the petitioner by the respondent by way of Bankers cheque dated 07.04.2007, Indian Overseas Bank. On 20.03.2007 the petitioner had sent a letter to the second respondent stating that he owns 3844 sq.ft of land vide registered sale deed in survey No.81/1C and that the entire extent had been acquired for the National Highway Scheme by the respondents and the respondents had made payment of compensation for an extent of 150 sq.metres (1614 sq.ft). Along with his title deeds with regard to the acquired property in S.No.81/1c for verification the petitioner requested for the payment of balance compensation of Rs.15,00,000/- for the land acquired with regard to the balance land of 2230 sq.ft. The petitioner again on 23.11.2007 sent a reminder to the second respondent but neither reply nor action has been taken. The petitioner with no other option issued a legal notice to the second respondent on 21.01.2010 calling upon the respondent to pay the balance compensation amount of Rs.15,00,000/- along with interest.

3. The learned counsel for the petitioner submitted that as per the National Highways Act, when the competent authority has not taken any action in respect of compensation for the additional extent of the acquired land, the adjudication of the petitioner is only before the District Collector/ Arbitrator, as per Section 3G (5) of the National Highways Act the Act. In view of the said provision in the Act, the petitioner has to file appropriate application before the Arbitrator/District Collector, for apportionment of just compensation.

4. The learned Government Advocate would fairly conceded to the request made by the learned counsel for the petitioner.

5. In view of the above discussion this Court is inclined to grant liberty to the petitioner to file appropriate application before the arbitrator under Section 3G (5) of the National Highways Act. The said authority, on receipt of such application, if any, shall consider the same appropriately. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Collector,
Thiruvallur District,
Thiruvallur.
2. The Special District Revenue Officer,
Land Acquisition,
National Highways Schemes,
Kancheepuram and Tiruvallur District,
Camp Office at Poonamalllee.

+1cc to The Government Pleader, SR.No.60728

AKM/ 27.08.19/ 3P-4C /

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