

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12617 of 2014 and M.P.No.2 of 2014,
W.P.No.14299 of 2014 and M.P.No.2 of 2014,
W.P.No.4994 of 2015 and M.P.Nos.1 to 3 of 2015
and W.M.P.No.4145 of 2018

and
W.P.No.5454 of 2015 and M.P.Nos.2 and 3 of 2015

W.P.No.12617 of 2014:

- 1.S.Saravanan
- 2.V.Jagadeesan
- 3.A.Subramaniam
- 4.J.N.Dhamodharan
- 5.S.Rama Subramanian
- 6.B.Jayachandran
- 7.J.Dhanalakshmi
- 8.C.Edwin Rabi Kumar
- 9.K.Karunakaran
- 10.P.Rajan
- 11.V.Sowmya
- 12.D.Lakshmi
- 13.C.Kandaswamy
- 14.G.Raveendran
- 15.S.Santhi
- 16.K.Rajeshwari
- 17.G.Sathishkumar
- 18.K.R.Chinnaswamy
- 19.Rajammal
- 20.S.Punithavalli
- 21.G.Gokila
- 22.S.Meena
- 23.K.Sageetha
- 24.P.Mercy
- 25.P.Venkatesh Babu

(P2 to P25 impleaded as per the order
dated 04.07.2018 in W.M.P.No.25240 of
2016 in W.P.No.12617 of 2014).

...Petitioners

Vs

1.The State of Tamil Nadu
rep.by its Secretary to Government
Highways & Small Ports (HQ-2) Department
Secretariat, Fort St.George, Chennai-600 009.

2.The District Revenue Officer,
Coimbatore District,
Collectorate Complex, Hosur Road
Coimbatore-641 018.

3.The Divisional Engineer (H)
(NABARD & Rural Roads),
Highways Department
Highways Complex, Trichy Road
Coimbatore-641 018.

4.The Chief Engineer (H)
(NABARD & Rural Roads),
Highways Department
Chennai-600 032.

...Respondents

W.P.No.14299 of 2014:

1.P.Ramachandran

2.R.Sakunthala

...Petitioners

Vs

1.The State of Tamil Nadu
rep.by its Secretary to Government
Highways & Small Ports (HQ-2) Department
Secretariat, Fort St.George, Chennai-600 009.

2.The District Revenue Officer,
Coimbatore District,
Collectorate Complex, Hosur Road
Coimbatore-641 018.

3.The Divisional Engineer (H)
(NABARD & Rural Roads),
Highways Department
Highways Complex, Trichy Road
Coimbatore-641 018.

4.The Chief Engineer (H)
(NABARD & Rural Roads),
Highways Department
Chennai-600 032.

...Respondents

W.P.No.4994 of 2015:

R.Gunasekaran

...Petitioner

Vs

1.The State of Tamil Nadu
rep.by its Secretary to Government
Highways & Small Ports (HQ-2) Department
Secretariat, Fort St.George, Chennai-600 009.

2.The District Revenue Officer,
Coimbatore District,
Collectorate Complex, Hosur Road
Coimbatore-641 018.

3.The Divisional Engineer (H)
(NABARD & Rural Roads),
Highways Department
Highways Complex, Trichy Road
Coimbatore-641 018.

4.The Chief Engineer (H)
(NABARD & Rural Roads),
Highways Department, Chennai-600 032.

...Respondents

W.P.No.5454 of 2015:

1.P.Ramachandran
2.R.Sakunthala

...Petitioners

Vs

1.The State of Tamil Nadu
rep.by its Secretary to Government
Highways & Small Ports (HQ-2) Department
Secretariat, Fort St.George, Chennai-600 009.

2.The District Revenue Officer,
Coimbatore District,
Collectorate Complex, Hosur Road
Coimbatore-641 018.

3.The Divisional Engineer (H)
(NABARD & Rural Roads),
Highways Department
Highways Complex, Trichy Road
Coimbatore-641 018.

4.The Chief Engineer (H)
(NABARD & Rural Roads),
Highways Department
Chennai-600 032.

5.The Commissioner of Land Administration
Ezhilagam, Chennai-600 005.
(R5 suo motu impleaded as per order
dated 16.08.2016 in M.P.No.3 of 2015
in W.P.No.5454 of 2015).

...Respondents

W.P.No.12617 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Notification under Section 15(2) of the Tamil Nadu Highways Act 2001 published in English newspaper "The New Indian Express" Coimbatore Edition dated 25.11.2013 and the Tamil Newspaper "Malai Malar" Coimbatore edition dated 24.11.2013 by the second respondent and quash the same and consequently forbear the respondents from acquiring the lands of the petitioners comprised in T.S.No.47, Singanallur Village, Coimbatore South Taluk, Coimbatore District.

W.P.No.14299 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Notification under Section 15(2) of the Tamil Nadu Highways Act 2001 published in English newspaper "The New Indian Express" Coimbatore Edition dated 25.11.2013 and the Tamil Newspaper "Malai Malar" Coimbatore edition dated 24.11.2013 by the second respondent and the consequential notice made in Na.Ka.No.6514/2012/U6 dated Nil.11.2013 issued by the second respondent and quash the same and consequently forbear the respondents from acquiring the lands of the petitioners comprised in T.S.No.6, Singanallur Village, Coimbatore South Taluk, Coimbatore District.

W.P.No.4994 of 2015 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the G.O.(D)No.5, Highways & Small Ports (HQ-2) Department dated 07.01.2015 with an annexure thereto to be notified and published in the Tamil Nadu Government Gazette by the first respondent and quash the same and consequently forbear the respondents from acquiring the lands of the petitioners comprised in T.S.No.73, Singanallur Village, Coimbatore South Taluk, Coimbatore District.

W.P.No.5454 of 2015 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the G.O.(D)No.5, Highways & Small Ports (HQ-2) Department dated 07.01.2015 with an annexure thereto to be notified and published in the Tamil Nadu Government Gazette by the first respondent and quash the same and consequently forbear the respondents from acquiring the lands of the petitioners comprised in T.S.No.6, Singanallur Village, Coimbatore South Taluk, Coimbatore District.

For Petitioners in
all the W.Ps. : Mr.G.Ethirajulu

For Respondents : Mr.C.Thirumaran,
in all the W.Ps. Special Govt.Pleader

COMMON ORDER

A joint memo of compromise dated 25.02.2019 has been filed by the parties before this Court. As per the joint memo, it has been agreed between the parties that the task in respect of measurement of land, value of construction and demarcation of land relating to the petitioners in these writ petitions, would be completed within four weeks; that compensation shall be paid to the petitioners herein within three months after getting formal approval from the Commissioner of Land Administration, Chennai and on receipt of compensation, the petitioners should hand over possession to the competent authority within a period of one week thereafter. It has also been agreed that the respondents are at liberty to take possession of the acquired land under the new Act and to lay service lane so as to enable the petitioners and others to have access to their houses / vacant sites; that the respondents can commence the work of constructing service road and bridge, simultaneously.

2.It is also stated in the compromise memo that the letter dated 31.01.2019 of the Divisional Engineer (H), NABARD & Rural Roads, Coimbatore-18, addressed to Mr.Thirumaran, Special Govt.Pleader, in Lr.No.46/2018-19/LC.No.4/JDO, also forms part of the compromise memo. The said letter relates to the guideline value fixed at the rate of Rs.2,600/- per sq.ft. and the solatium fixed at Rs.2,600/- per sq.ft. totalling to Rs.5,200/- per sq.ft, and interest of 12% per annum, fixed for the period from 15(2) Notification till passing of Award, excluding stay period.

3.A copy of the proceedings dated 31.12.2018 in respect of the meeting conducted under the concerned Hon'ble Minister, District Collector and other officials, relating to the construction of the bridge in question, also forms part of the compromise memo.

4.The contents of the compromise memo have been admitted by the parties, as true and genuine. Hence, recording the above compromise memo, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

KM

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To

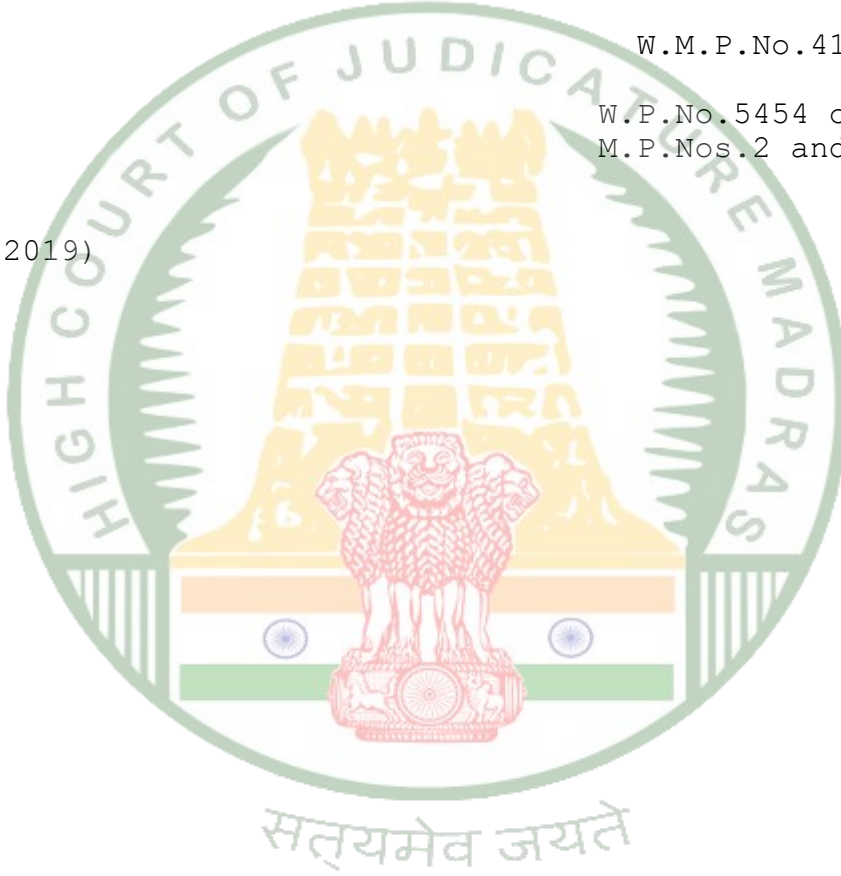
- 1.The Secretary to Government
Government of Tamil Nadu,
Highways & Small Ports (HQ-2) Department
Secretariat, Fort St.George, Chennai-600 009.
- 2.The District Revenue Officer,
Coimbatore District,
Collectorate Complex, Hosur Road
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Highways Complex, Trichy Road
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- 4.The Chief Engineer (H)
(NABARD & Rural Roads),
Highways Department
Chennai-600 032.
- 5.The Commissioner of Land Administration
Ezhilagam, Chennai-600 005.

+lcc to Mr.G.Ethirajulu, Advocate, Vide SR.NO.17416

+lcc to the Govt.Pleader, Vide SR.NO.17607

W.P.No.12617 of 2014 and
M.P.No.2 of 2014,
W.P.No.14299 of 2014 and
M.P.No.2 of 2014,
W.P.No.4994 of 2015 and
M.P.Nos.1 to 3 of 2015
and
W.M.P.No.4145 of 2018
and
W.P.No.5454 of 2015 and
M.P.Nos.2 and 3 of 2015

GJ (CO)
KAK (01/03/2019)



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