

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.29734 & 29740 of 2019  
and W.M.P.Nos.29625, 29627 & 29633 of 2019

1.T.Chakrapani  
2.Elumalai Achari  
3.V.Chidambaram  
4.K.Velayudam  
5.K.Saravanan

.. Petitioners in W.P.No.29734/2019

K.G.Murali

.. Petitioner in W.P.No.29740/2019

/versus/

1.National Highways Authority of India,  
Rep.by its Project Director,  
In charge of NH4,  
Thiruvallur,  
Thiruvallur District,  
Pincode-602 001.

...1<sup>st</sup> Respondent in both W.Ps

2.The Competent Authority &  
Special District Revenue Officer (Land Acquisition),  
NH-4, Viding for Nerkundram Village,  
Tahsildar Office,  
Poonamallee, Chennai-600 056.

...2<sup>nd</sup> Respondent in W.P.No.29740/2019

3.The Special Tahsildar Land Acquisition,  
National Highways NH-4,  
Poonamallee, Chennai-600 056.

...3<sup>rd</sup> Respondent in both Wps.

4.The Competent Authority  
Special District Revenue Officer  
(Land Acquisition)  
NH 4, Kanchipuram and Thiruvallur District  
Having office at Tahsildar Office  
Poonamallee, Chennai 56.

...2<sup>nd</sup> Respondent in W.P.No.29734/2019.

PRAYER in W.P.No.29734/2019: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent relating to the proceedings in Rc.No.151/2006/A/NH/TVR dated 29.08.2018 and to quash the same

and directing the respondents to pay the correct compensation in accordance with section 23(1)(A) Section 23(2) and other provisions of the repealed Land Acquisition Act 1894 as amended pertaining to the first petitioner land and building and the other petitioner's land and building.

PRAYER in W.P.No.29740/2019: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent relating to the proceedings in Rc.No.151/2006/A/NH/TVR dated 29.08.2018 and to quash the same and directing the respondents to pay the correct compensation in accordance with section 23(1)(A) Section 23(2) and other provisions of the repealed Land Acquisition Act 1984 as amended pertaining to the petitioner's land situated at lands and building in Old Survey 16/3B part and New Survey No.16/3B2 at Nerkundram village, it consists commercial portion measuring 72.25 sq.ft and another commercial portion measuring 610.00 Sq.ft., A.C.Sheet (in the passage cum parking) measuring 210.00 Sq.ft., compound wall(Easter Side) measuring 22.7 Sq.ft., Extent of the site 1100 Sq.ft., which is abetting the National Highways NH-4.

For Petitioner in both WPs : Mr.David Tyagaraj  
For Respondents in both WPs : Mr.Su.Srinivasan, St.c for R1  
Mr.D.Raja, AGP for R2 & R3

COMMON ORDER

The petitioners herein aggrieved by inadequacy of compensation of the land acquired for the National Highways Act has filed this writ petition seeking Certiorarified Mandamus to quash the order passed by the competent authority vide Rc.No.151/2006/A/NH/TVR dated 29.08.2018, fixing the compensation as per the annexure enclosed in the impugned order.

2. The contention of the petitioners is that, the compensation computed is not in accordance with Section 23(1)(A) Section 23(2) and other provisions of the repealed Land Acquisition Act 1984.

3. If the petitioners are aggrieved by the inadequacy of the compensation they have to prefer their representation for appointment of Arbitrator for the adequate compensation as per Section 3G(5) of the National Highways Act, 1956. Since there is an alternate remedy prescribed under the statute, the petitioners herein are directed to give their petition to the Arbitrator/District Collector within a period of four weeks from the date of receipt of copy of this order. On receiving the petition of the petitioners the Arbitrator/District Collector

shall dispose the petition within a period of six months after affording due opportunity to the parties concern.

4. With the above observation, these writ petitions are disposed of. Consequently, the connected miscellaneous petitions are also closed. There shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rpl

To

- 1.The Project Director,  
National Highways Authority of India,  
In charge of NH4,  
Thiruvallur,  
Thiruvallur District,  
Pincode-602 001.
- 2.The Competent Authority &  
Special District Revenue Officer (Land Acquisition),  
NH-4, Viding for Nerkundram Village,  
Tahsildar Office,  
Poonamallee, Chennai-600 056.
- 3.The Special Tahsildar Land Acquisition,  
National Highways NH-4,  
Poonamallee, Chennai-600 056.
4. The Competent Authority  
Special District Revenue Officer  
(Land Acquisition)  
NH 4, Kanchipuram and Thiruvallur District  
Having office at Tahsildar Office  
Poonamallee, Chennai 56.

+4 CCS to Mr.David Tyagaraj, Advocate sr 87975 to 87974

+1 CC to Mr.Su.Srinivasan, Advocate sr 88100.

+1 CC to The Govt. Pleader sr 88688, 88689.

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SV(CO)

SP(22/11/2019)