

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.03.2020

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.8421 of 2019

C M/s.Lucas Indian Service Ltd.,
No.28, Poomagal Main Road,
Ekkatuthangal, Guindy,
Chennai - 600 032.
Rep.by its Executive Civil Engineer and
authorized signatory K. Murali Dharan

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District, Kancheepuram.

2.The Special Dy. Collector, (LA)
IT Express Highways Scheme,
Office of the Tahsildar, Tambaram,
Chennai - 600 045.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the second respondent to consider and pass orders on the representation made by the petitioner Company dated 14.02.2019 requesting to refer the dispute to the concerned Court under Section 20 (1) of the Tamil Nadu Highways Act for adjudicating the petitioner's request for enhancement of compensation for their lands acquired by the second respondent.

For Petitioner : Mr. S. Sathish Rajan

For Respondents : Mr. D. Raja,
Additional Government Pleader

W E B C O P Y
O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the second respondent to consider and pass orders on the representation made by the petitioner wherein, the petitioner has requested the respondents to refer the dispute to the concerned Court under Section 20 (1) of Tamil Nadu Highways Act, 2001.

2. The case of the petitioner is that the land belonging to the petitioner was acquired by the Highways Department. The award was passed on 31.03.2006 by the land acquisition officer and a compensation at the rate of 1999 per square metre was fixed. The petitioner had raised an objection and had also

requested for referring the dispute to the concerned Court for enhancement of compensation. There was also a rival claim made and therefore, the land acquisition officer deposited the award and referred the dispute to the concerned Court under Section 20 (1) of the Tamil Nadu Highways Act. The reference was taken on file by the Sub-Court, Tambaram in LAOP No.472 of 2009.

3. The Sub-Court, Tambaram by a judgment dated 27.09.2016, declared the petitioner to be the proper person to receive the award amount. In the very same judgment, the liberty was also granted to the petitioner to seek for enhancement under Section 20 (1) of the Tamil Nadu Highways Act, 2001.

4. The petitioner thereafter, made a representation on 21.11.2017, requesting the respondents to refer the matter to the concerned Court under Section 20 (1) of the Tamil Nadu Highways Act. Since the same was not considered, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. It is seen from records that the Sub-Court, Tambaram even while passing the orders in LAOP No.472 of 2009 has recorded the fact that even, when the referring officer passed an award, objection was raised by the petitioner and a request was made to refer the matter to the Court for enhancement of compensation. The Court below ultimately confined itself only with regard to entitlement of petitioner to receive the award amount and insofar as the enhancement is concerned, liberty was granted to the petitioner to seek the relief under Section 20 (1) of the Tamil Nadu Highways Act, 2001.

7. A reading of Section 20 (1) of the Tamil Nadu Highways Act, shows that any person who is aggrieved by the decision of the Collector, determining the amount of compensation made, within 60 days from the date of such decision, can require the matter to be referred to the concerned Court to consider the enhancement of compensation. It is clear from the records that such a request was made by the petitioner even at the time when the compensation was fixed. However, the first reference was made only with regard to the apportionment and therefore, the Court below did not go into the issue of enhancement of compensation. That is the reason why leave was granted to the petitioner to separately work out his rights with regard to the enhancement of compensation. This application is pending therefore, the petitioner made a representation to the second respondent to refer the dispute under Section 20 (1) of the Tamil Nadu Highways Act. Since the same was not considered, the present writ petition has been filed before this Court.

8. Taking into consideration of the case, there shall be a direction to the second respondent to consider the representation made by the petitioner on 14.02.2019 and deal with the same strictly in accordance with law and in line with the orders passed by this Court and a decision shall be taken, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

9. This writ petition is disposed of with the above direction. No costs.

AT

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The District Collector,
Kancheepuram District, Kancheepuram.

2.The Special Dy. Collector, (LA)
IT Express Highways Scheme,
Office of the Tahsildar, Tambaram,
Chennai - 600 045.

+lcc to Mrs.Sathish Rajan, Advocate SR.No.19170
+lcc to Government Pleader SR.No.19233

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(CO)
mst (27/05/2020)

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