

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos. 8454 and 8455 of 2020
and WMP.Nos.10183 to 10188 of 2020

1. Vijaya, F/45,
W/o. Perumal
2. Prabhu, M/28,
S/o. Selvam.
3. Shanmugam, M/50,
4. Ravi, M/52
S/o. Kanna Reddy
5. Sampath, M/56,
S/o. Durairaj
6. Aruna, F/51,
S/o. Mohanavel.
7. John Sundaram, M/50.
S/o. Aruldoss.
8. Radhabai, F/70,
W/o. Balakrishnan.
9. Maran, M/50,
S/o. Saman,
10. Bommi, F/40,
W/o. Balasundaram
11. Varadharaj, M/40,
S/o. Seetharaman.
12. Kodiyarasu, M/72,
S/o. Vadaseriyar
13. Kamatchi, F/50,
W/o. Ravi.

... Petitioners in W.P.No.8454/2020

1. Munirathnam, M/60,
S/o. Dhanapal.
2. Dharanirajan, M/39,
S/o. Thirunavukarasu.
3. Kalyani F/45,
W/o. Manoharan
4. Sakunthala, F/50,
W/o. Thamodharan.
5. Govindammani, F/52,
W/o. Natarajan
6. Manickammal, F/70.
W/o. Periathambi. ...Petitioners in W.P.No.8455/2020

Vs.

1. The State of Tamil Nadu,
Rep. by its. Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai - 600 009.
2. The Land Acquisition Officer and Competent Authority,
Special District Revenue Officer, (Land Acquisition),
District Collector Office, Vellore District.
3. The Special Tahsildar (Land Acquisition),
National Highway Division,
District Collector Office,
Vellore District.
4. The Project Director,
National Highways Authority of India,
No.259/1, Salem Main Road,
Near K.A.K.C. Petrol Bunk,
Krishnagiri - 635 001.
5. The District Collector,
Ambur Taluk,
Tirupattur District.
6. The Junion Engineer (O & M),
Kannadikuppam (Division),
Ambur Taluk, Vellore District.
... Respondents in both W.Ps.

COMMON PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the 2 to 4 respondents to pay the enhanced compensation awarded by the fifth respondent in his proceedings dated 04.01.2018 and 30.12.2017 respectively in RC.No.L.A(1)129 and RC.No.L.A.(1)43 to the petitioners before evicting from their property situated in S.No.25/1B2, 23/8B2, 27/5B2, 27/2B2,27/7D2, 27/7D2, 27/8H,27/8I2, 27/8J2, 29/1A, 29/1B2, 29/1C2, 29/1D2, 27/1BE2 at Kannadikuppam Village, Ambur Taluk, Vellore District and the property situated in S.No.160/52A1, 160/68A2, 161/6B, 161/9B, 161/12B, 161/31B at Vinnamangalam Village, Ambur Taluk, Vellore District.

For Petitioners : Mr.Karan and Uday

For Respondents : Mr.E.Manoharan
Special Government Pleader
[RR1,3, 5 and 6]

Mr.Su.Srinivasan [R4]

COMMON ORDER

These writ petitions have been filed for the issue of writ of mandamus directing the respondent to pay the enhanced compensation awarded by the District Collector in his proceedings dated 04.01.2018 and 30.12.2017 respectively.

2. The common grievance expressed by all the writ petitioners is that the property has been acquired and the initial compensation that was fixed was also enhanced by proceedings of the District Collector dated 04.01.2018 and 30.12.2017 respectively and enhanced compensation has not been paid to the petitioners till date.

3. The learned counsel for the petitioners submitted that all the petitioners have received the original compensation that was fixed without prejudice to their rights to claim for enhanced compensation. It was further brought to the notice of this Court that National Highways Department has effectively taken over the possession of the property and therefore what remains is only the receipt of the enhanced compensation. Therefore the learned counsel requested this Court to fix a time limit for the fourth respondent to pay the enhanced compensation.

4. Mr.Su.Srinivasan, learned counsel appearing on behalf of the fourth respondent submitted that the enhanced compensation awarded by the District Collector is at the stage of getting sanction and that some reasonable time can be fixed by this Court for payment of enhanced compensation to the petitioners. This Court also heard Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of respondents 1,3,5 and 6.

5. In view of the specific stand taken by the National Highways Authority of India with regard to the payment of enhanced compensation , both the writ petitions are disposed of with a direction to the fourth respondent to pay the enhanced compensation to the petitioners within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mp/vkr

To

1. The Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai - 600 009.
2. The Land Acquisition Officer and Competent Authority,
Special District Revenue Officer, (Land Acquisition),
District Collector Office, Vellore District.
3. The Special Tahsildar (Land Acquisition),
National Highway Division,
District Collector Office,
Vellore District.
4. The Project Director,
National Highways Authority of India,
No.259/1, Salem Main Road,
Near K.A.K.C. Petrol Bunk,
Krishnagiri - 635 001.

5. The District Collector,
Ambur Taluk, Tirupattur District.

6. The Junion Engineer (O & M),
Kannadikuppam (Division),
Ambur Taluk, Vellore District.

+lcc to the Government Pleader Sr.25199

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srg 21/08/2020