

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 31006 of 2016

Arumugam

...Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Highways & Rural Development Department,
Fort St. George, Chennai - 600 009.
 2. Tamil Nadu Road Development Corporation Ltd.,
Rep. by Managing Director,
171, II Floor, Tamil Nadu Maritime Board Building,
South Kesavaperumalpuram,
Pasumpon Muthuramalingam Road,
Near Greenway Station, M.R.T.,
Raja Annamalaipuram, Chennai - 600 028.
 3. The District Collector,
Kancheepuram District, Kancheepuram.
 4. The Tahsildar,
Thirukkazhukundram,
Mamallapuram Post,
Kancheepuram District.
- Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first and second respondents to restore the land in S.No.9/11A situated at Mamallapuram Madura Devaneri Village, Ward No.3, East Coast Road, Thirukazhukundram Taluk, Kancheepuram District in original status and handover to the petitioner or in alternative allot some other land in ECR road for the extent of 37 sq.mts or determine compensation for the land of an extent of 37 sq.mts under patta, stands in the name of the petitioner which was acquired without notice of acquisition for expanding the East Coast Road and to pay the compensation together with interest at the rate of 18% p.a from the date of taking possession and render justice.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.M.Elumalai
Government Advocate [R1, R3, R4]

Mr.M.Sivavarthan [R2]

ORDER

Heard Mr.J.R.K. Bhavanantham, learned counsel for petitioner, Mr.M.Elumalai, learned Government Advocate for respondents 1, 3 and 5 and Mr.M.Sivavarthan, learned counsel for 2nd respondent.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. The petitioner has filed this writ petition praying for issuance of a writ of mandamus, to restore the land, which was utilised by the respondents for expansion of the East Coast Road without payment of any compensation.

4. Mr.M.Elumalai, learned Government Advocate appearing for the respondents 1, 3 and 4 and Mr.M.Sivavarthan, learned counsel appearing for second respondent submitted that the entire compensation amount payable to the petitioner has been settled and the computation has been done in terms of Act 30 of 2013 and the petitioner has also accepted the compensation amount of Rs.3,00,533/- for an extent of 37 sq.mts., which was utilised for the expansion of the East Coast Road. Furthermore, it is submitted that the petitioner has also transferred the land in favour of the second respondent.

5. The learned counsel for the petitioner does not have any instructions in this regard and prays that if the petitioner is still aggrieved, the liberty may be granted to the petitioner to work out his remedy in accordance with law.

6. Since it is represented by the respondents that compensation has been paid in terms of Act 30 of 2013 i.e., by applying the legal principles under the New Act, the petitioner should not be aggrieved and should be satisfied with the compensation paid to him. However, this Court does not wish to foreclose the rights of the petitioner and would leave the issue open by giving liberty to the petitioner to approach the appropriate forum, if he still has any grievance.

7. In the light of the development, which have been taken place during the pendency of the writ petition, no further order is required in this writ petition.

The writ petition stands disposed of with the aforementioned observation. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Highways & Rural Development Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Road Development Corporation Ltd.,
171, II Floor, Tamil Nadu Maritime Board Building,
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Pasumpon Muthuramalingam Road,
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3. The District Collector,
Kancheepuram District, Kancheepuram.
4. The Tahsildar,
Thirukkazhukundram,
Mamallapuram Post,
Kancheepuram District.

+1cc to Mr.J.R.K.Bhavanantham, Advocate SR.No.78

+1cc to Mr.M.Sivananthan, Advocate SR.No.123

+1cc to The Government Pleader Sr.No.455

AKM/14.02.2020 /3P-8C/

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