

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27..04..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.2527 of 2021

and

W.M.P.Nos.2858 & 2859 of 2021

1.Philomena

2.Annie

3.Gladius Christina

4.Metilda Rosy

5.Solomon Titus

6.Anu Sweety

.... Petitioners

-Versus-

1.The Competent Authority/
Special District Revenue Office (LA),
National Highways,
Kancheepuram & Thiruvallur Districts,
Collectorate Campus,
Kanchipuram 631 501.

2.The Project Director,
PIU-Kanchipuram,
National Highways Authority of India,
No.716, Govindarajan Street,
Tambaram West,
Kanchipuram District 600045.

3.The District Collector,
First Floor, Collectorate,
Kancheepuram - 631 501.

4.Mr.K.Devaraj

5.Mr.D.Velmurugan

6.Mr.R.Selvam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 1st respondent from in anyway disbursing the compensation for acquisition of the petitioner's lands situated in S.Nos.264/1B, 265/1A2, 265/2A2., 266/1B2 and 266/2B2 of Molachur Village,

Sunguvarchathiram Sub Registration District, Sriperumbudur Taluk, Chengalpattu Registration District, Kancheepuram District to the respondents 4 to 6 or any other person and for a consequently direction to the 1st respondent to refer the dispute pertaining to the disbursement of compensation to the principal Civil Court of competent jurisdiction as per Section 3-H(4) of the National Highways Act, 1956.

For Petitioner : Mr.T.K.Saravanan
For Respondent(s) : Mr.D.RAja, AGP for R1 and R3
Mr.Su.Srinivasan for R2
Mr.V.Raghavachari for R4
Mr.R.Sri Priya for R5
Mr.G.Sankaran for R6

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a mandamus forbearing the 1st respondent from disbursing the compensation amount payable to the respondents 4 to 6 and to refer the dispute to the competent civil court.

2. The petitioners claim to be the owners of the lands in question. The lands belonged to the petitioners were acquired for a public purpose for expansion of Chennai - Bangalore High ways and an award was also passed. The respondents 4 to 6 who have no right or title over the lands in question started claiming their share on the compensation before the 1st respondent. Therefore, the petitioners have approached the 1st respondent by way of representation not to disburse the compensation amount in favour of the respondents 4 to 6. The grievance of the petitioners is that the 1st respondent has not considered the objection made by the petitioner till date and the petitioners apprehends that there is likelihood of disbursement of compensation in favour of respondents 4 to 6. Hence, this writ petition.

3. The 1st respondent has filed a counter affidavit in which at para 14, the 1st respondent has stated that he had received a statement from the petitioner as well as from the other interested persons during award enquiry and the enquiry is pending. The 1st respondent further stated that he would pass suitable orders under Section 3-H(3) of The National Highways Act, 1956 within a reasonable time.

4. The respective learned counsel appearing for the respondents 3, 4 and 5 submitted that respondents 3 to 5 may also be given an opportunity to make their objections before the 1st respondent and produce the supported documents during enquiry.

5. Considering the fact that award enquiry is pending and all other facts and circumstances of the case, without going into the merits of the case, this court directs the 1st respondent to issue notice to the petitioners as well as to the respondents 4 to 6 and consider their objections, if any, and pass final award on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly with the above directions. No costs. Consequently, connected WMPs are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk
To

1. The Competent Authority/
Special District Revenue Office (LA),
National Highways,
Kancheepuram & Thiruvallur Districts,
Collectorate Campus,
Kanchipuram 631 501.
2. The Project Director,
PIU-Kanchipuram,
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No.716, Govindarajan Street,
Tambaram West,
Kanchipuram District 600045.
3. The District Collector,
First Floor, Collectorate,
Kancheepuram - 631 501.
4. The Registration
Sriperumbudur Taluk
Chengalpattu Registration District
Kancheepuram District

+1 CC to Mr.G.Sankaran, Advocate sr 25834.
+1 CC to Mr.V.Raghavachari, Advocate sr 25802.
+1 CC to Mr.T.K.Saravanan, Advocate sr 25784.

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JP (CO)
SP (30/04/2021)



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