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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.2118 OF 2020

AND

W.M.P.NO.2478 OF 2020

P.Karunagaran

...Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Special District Revenue Officer,
(Land Acquisition)
Begaluru -Chennai Express High Way,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar (Land Acquisition)
Begaluru -Chennai Express High Way,
No.15, Visalakshi Nagar,
Kancheepuram.

...Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.05.2019 and pass appropriate orders as per law under Section 33(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass appropriate orders accordingly.

For Petitioner :: Mr.M.Ramamoorthy

For Respondents :: Mr.V.Veluchamy
(Government Advocate)

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.05.2019 and pass appropriate orders as per



law under Section 33(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen according to the petitioner herein that in view of the acquisition of the petitioner's property in S.No.69/2 with an extent of 1460 Sq.mtr. S.No.52/1 with an extent of 176 Sq.mtr and S.No.77/3 with an extent of 32 Sq.mtr, at Keeranallur Village, Sriperumbudur Taluk, Kancheepuram District, there is an error in fixing the land value for the acquisition of the aforesaid property as Rs.494/- per Sq.Mtr. in stead of 1483/- vide proceeding dated 14.11.2018 in R.C.No.272/2017/BCF/NH passed by the 2nd respondent herein.

4. However, per contra, the 2nd respondent in his counter states that the land value was arrived according to the type of lands categorized by the Joint Sub-Registrar-IV, Kancheepuram as detailed below:

"(i) As regards the land in S.No.52/1B with an extent of 176 Sq.mts, it has been categorized as the Wet land abutting other roads and Railway lines Types-I, Part-I. Since there was no sale in the category - the guideline value of Rs.988 per Sq.Mt was adopted for fixing the land value.

(ii) As regards the land in S.No.77/3B with an extent of 32 Sq.Mt. it has been categorized on the Wet Well Irrigation Single Crop Type-I land. The 50% of the average sale value on the sales occurred was worked out as Rs.438/- per Sq.Mt and the guide line value of this category of land in Rs.371/- per Sq.mt. Hence 50% of average sale value of Rs.438/- per Sq.mt which was higher than the guide line value was adopted for this category of land

(iii) As regards the land in S.No.69/2 with an extent of 1460 Sq.mt it has been categorized as the Wet Special Type-II land. The 50% of the average sale value was worked out as Rs.494/- per Sq.mt based on the 3 sales occurred in this category of land. The guideline value of this category of land is also Rs.494/- per Sq.mt. Since the 50% of average sale value and the guideline value are one and the same, the land value for this category of land was fixed at Rs.494/- per Sq.mt."

after arriving the land value, as narrated above, the total



compensation was determined in accordance with the provision under the Right to Fair Compensation, Transparency in land acquisition, Rehabilitation, and Resettlement Act, 2013 and the award passed by following the procedures in accordance with law.

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5. It has been further submitted by the learned counsel for the respondents that the compensation for the lands in S.No.69/2 arrived at by fixing the land value as Rs.494/- per Sq.mt is strictly in accordance with law and there is no typographical error or clerical error as alleged by the petitioner. If the petitioner intends to get higher compensation, a representation has to be given to the respondent, to refer the matter under Section 3G(5) of the National Highways Act, 1956, after receiving the compensation awarded for the land. But, without doing so, the petitioner has come up with a prayer for the correction of the land value, as if, clerical or typographical error has occurred in the fixation of land value, while a sum of Rs.15,40,335/- was received by him towards compensation for the land in S.No.69/2.

6. Under such circumstances, this Court without expressing any opinion with regard to the merits of the case directs the respondents to refer the petitioner's representation dated 08.05.2019 under Section 3G(5) of the National Highways Act, 1956 enabling to decide the issue and pass appropriate orders on it in accordance with law within a period fifteen weeks from the date of receipt of copy of this order after affording sufficient opportunity of hearing to the petitioner herein.

7. In the result, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

Lbm

To:

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Special District Revenue Officer,
(Land Acquisition)
Begaluru -Chennai Express High Way,
Kancheepuram District, Kancheepuram.



3.The Special Tahsildar (Land Acquisition)
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+1cc to Mr.M.Ramamoorthy, Advocate Sr.No.57080

W.P.No.2118 of 2020
and
W.M.P.No.2478 of 2020

SSI (CO)
RVM(10/01/2022)