

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.2871 of 2021

D.Sekar

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Petitioner

Vs.

1.The Principal Secretary
Government of Tamil Nadu
Highways and Minor Port Department
Fort St.George
Chennai - 600 009.

2.The District Collector
Tiruvallur District
Tiruvallur.

3.The Special District Revenue Officer (L.A)
Tamil Nadu Road Sector Project-II
Chennai.

4.The Special District Revenue Officer (L.A)
Chennai Peripheral Ring Road Project
Ambattur Industrial Estate
Chennai - 600 058.

5.The Special Tahsildar
North Port Access Road (NPAR)
CPRR-Unit I, Ponneri - 601 204
Tiruvallur District.

6.The Tamil Nadu Road Development Company Ltd
Reptd. by its Directors
No.171, II Floor,
Tamil Nadu Maritime Board Building
South Kesavaperumalpuram
Pasumpon Muthuramalingam Road
(Near Greenways Road MRTS Station)
Raja Annamalaipuram
Chennai - 600 028.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to conduct enquiry to fix the market price of the land sought to be acquired of the petitioner, being agricultural nanja lands, comprised in Wet Survey No.323/2, measuring an extent of 3700 sq.mtrs (0.91 ½

acre) out of total extent of 0.60.5 hectare (1.49 acres) and Wet Survey No.323/6A measuring to an extent of 1890 sq.mts (0.46 ½ acre) out of total extent of 0.20.0 hectare (0.50 acre) totalling 1.38 acres of land, strictly as per Sections 26 to 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and determine the compensation.

For Petitioner : Mr.R.Munusamy

For Respondents : Mr.V.Anandamurthy
Additional Government Pleader

ORDER

The properties of the petitioner in Survey Nos. 323/2 and . 323/6A are being acquired under the provisions of the Tamil Nadu Highways Act, 2001, which is revalidated Vide Act 38 of 2019. The authorities held negotiation under Section 19(2) of the Act, but the parties could not arrive at a consensus. Therefore, for passing an award, necessary notices were issued to the petitioner under Section 19(5) of the Act.

2. The petitioner has now come forward with this writ petition requiring the Court to give direction to the Land Acquisition Officer to follow the principle in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 13/2013).

3. Mr.V.Anandamurthy, learned Additional Government Pleader takes notice for the respondents and made a statement on instructions that in terms of the notice issued under Section 19(5) of the Act, the petitioner has appeared before the Land Acquisition Authority, an enquiry indeed have taken place and award came to be passed on 20.01.2021. The compensation amount as determined by the authority has also been received by the petitioner on 04.02.2021. It is in this background, the present petition came to be filed on 05.02.2021.

4. There are two parts to the case :

(a) This Court is at a loss to understand as to where on earth the petitioner got an impression that the authorities may not follow the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 13/2013) and may not adopt the market value for determining the compensation. The affidavit does not disclose any material fact in this regard. A mere suspension howsoever strong it might be, may not be a ground to feed a cause for an action. Therefore, this petition cannot be maintained

(b) If the statement of the learned Additional Government Pleader were to be accepted, (with regard to which, the learned counsel for the petitioner submits that he has no

instructions), then again, nothing can survive in this case, for that which is required to be done by the authority has already been done. There is no meaning in giving any direction to the Land Acquisition Authority when he has already done his job.

Either way, the petition has to be dismissed, which this Court does now.

5. In the result, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

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+1cc to Mr.R.Munusamy , Advocate SR.No. 8895

+1 cc to Government Pleader Sr.No. 8499

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