



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.5964 of 2019

S.Sornamariammal

.. Petitioner

Vs.

1. The Chief General Manager (Regional Officer),
National Highways Authority of India (NHAI)
Regional Office, 34, South Phase Sri Towers,
3rd Floor, Guindy Industrial Estate (near Olympia),
Guindy, Chennai - 600 032.
2. The Project Director (Chennai Region),
National Highways Authority of India (NHAI)
Regional Office, 34, South Phase Sri Towers,
3rd Floor, Guindy Industrial Estate (near Olympia),
Guindy, Chennai - 600 032.
3. The Competent Authority and
the Special District Revenue Officer (L.A.),
National Highways Schemes,
Kancheepuram and Thiruvallur District,
at Poonamallee, Chennai - 56.
4. The Special Tahsildar (L.A.),
National Highway - 5,
Poonamallee, Chennai - 56.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to immediately settle the petitioner compensation amount with all statutory benefits and interest upto date of payment payable under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the petitioner's 69 sq.meters of lands in Old Survey No.88/2A9, present S.No.88/2A9B of Jagannathapuram (1) Village, Ponneri Taluk, Thiruvallur District acquired by the respondents for the purpose of expansion and 6 laning of National Highways 5 which was omitted to be paid by the respondents.



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For Petitioner : Mr.N.R.Anantha Rama Krishnam
For Respondents 1 & 2 : Mr.Su.Srinivasan
For Respondents 3 & 4 : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the respondents to pay the compensation amount to the petitioner for the lands acquired by the respondents.

2. According to the petitioner, her land measuring 177 sq.meters in Old Survey No.88/2A9, present S.No.88/2A9B of Jagannathapuram (1) Village, Ponneri Taluk, Thiruvallur District has been acquired for expansion of National Highway Scheme. Subsequently, Award has been passed for a lesser extent of 108 sq.mts and for the remaining 69 sq.mts no award has been passed. Hence, a representation was sent to the Acquisition Officer to pass the Award for the remaining extent based on her representation, Survey was also conducted by the fourth respondent Special Tahsildar with the help of the Surveyor and thereafter no orders have been passed. Hence the petitioner submitted a further representation on 22.08.2015, followed by a legal notice but so far no orders have been passed, hence the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that now pursuant to the request made by the petitioner, survey was also conducted by the fourth respondent Tahsildar in the presence of the parties and the survey report clearly shows that an extent of 177 sq.mts of land has been acquired from the petitioner, but award has been passed only for 108 sq.mts. In the above circumstances as already survey has been completed and the matter is pending with the fourth respondent Special Tahsildar for more than six years, the respondents 3 and 4 may be directed to consider the petitioner's representation and pass suitable orders.

4. Mr.Yogesh Kannadasan, learned Government Advocate takes notice for the respondents 3 and 4.

5. Considering the limited scope of the prayer sought for by the petitioner, without expressing any opinion on the merits of the case, this Court directs the respondents 3 and 4 to consider



the representation of the petitioner seeking compensation for the left out area and pass suitable orders 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. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief General Manager (Regional Officer),
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4. The Special Tahsildar (L.A.),
National Highway - 5,
Poonamallee, Chennai - 56.

+1cc to Mr.N.R.Anantha Rama Krishnam, Advocate, S.R.No.35409
+1cc to the Government Pleader, S.R.No.35924

W.P.No.5964 of 2019

PMK (CO)
HS(24/08/2021)