



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.34155 & 34156 OF 2013

AND

M.P.NO.1 OF 2013

(Through Video Conferencing)

Mrs.Kanagamani

... Petitioner in
W.P.No.34155 of 2013

Mr.K.Balasubramanian (deceased)

2. Mrs.Kanagamani
3. Mr.Amudhan
4. Mr.Arulmani
5. Mrs.Mukhil

(P2 to P5 substituted as Legal
Representatives of deceased Sole
Petitioner vide Order of this Court
dated 22.02.2021 made in W.M.P.No.8857
of 2018 in W.P.No.34156 of 2013)

... Petitioners in
W.P.No.34156 of 2013

.Vs.

1. The Special Tahsildar (L.A),
Land Acquisition Officer,
Highways I.R.R. Scheme,
Mambalam-Guindy Taluk,
Chennai Collectorate,
Chennai - 1.
2. The Collector of Chennai,
Chennai Collectorate,
Singaravelar Maligai,
Chennai.

... Respondents in
both W.Ps

COMMON PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed in Lr.No.MG/LA-02/2002 dated 10-06-2013 on the file of the 1st Respondent and quash the same and directing the 1st Respondent to refer the Petitioner claim for enhanced



compensation dated 11-2-2013 filed against the Award No.2/09 dated 21-10-2009 to the court concerned for being adjudicated in accordance with law.

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For Petitioner : Mr.S.Jaganathan
(In both W.Ps)

For Respondents : Mr.Richardson Wilson
(In both W.Ps) Government Advocate

COMMON ORDER

These petitions have been filed by the petitioners seeking to call for the records pertaining to the order passed in Lr.No.MG/LA-02/2002 dated 10.06.2013 on the file of the first respondent and quash the same and to direct the first respondent to refer the petitioners claim for enhanced compensation dated 11.02.2013 filed against the Award No.2/09 dated 21.10.2009 to the court concerned for being adjudicated in accordance with law.

2. The petitioners are the absolute owners of their respective property. During the year 2008, the said property was said to be acquired by the respondents for a road project viz., Velachery to St.Thomas Mount II Phase and the road has been laid over the said land.

3. According to the petitioners, the respondents did not issue proper notice to them and as such the respondents conducted an arbitrary and unilateral enquiry and passed an award by fixing very low value for the property which was acquired by the respondents. Thereafter, the petitioners came to know that the award had been deposited in LA.O.P.Nos.44 & 45 of 2011 on the file of the VI Assistant City Civil Court, Chennai. Thereafter, the petitioners sent their representations dated 11.02.2013 seeking enhancement of compensation for the acquired land. The first respondent rejected the same for the reason that, if the petitioners filed a petition for enhancement of compensation as contemplated under Section 20(1) of the Tamil Nadu Highways Act, 2001, a petition for enhancement of compensation should have been filed within sixty days. Therefore, the petitioners filed petitions seeking enhancement of compensation beyond the period of sixty days.

4. Admittedly, the petitioners have not been served any notice on the award enquiry and no one appeared in the award enquiry. The respondents passed award and deposited the compensation since the petitioners had not appeared for enquiry before the VI Assistant City Civil Court, Chennai, which is pending in L.A.O.P.Nos.44 & 45 of 2011.



5. The award amount has been deposited only in the absence of the claimants i.e. the petitioners herein. Therefore, no reference was made on the dispute raised by the land owners.

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6. It is also evident from the information obtained by the petitioners herein under the Right to Information Act, 2005, the notice in the award enquiry was sent to No.3, Thiruvalluvar Salai, Chennai - 41 which has been returned, whereas the petitioners are residing at No.51/6, Canal Road, Thiruvannamiyur, Chennai -41. Therefore, the petitioners may be given one more opportunity to put forth their case for enhancement of the award amount.

7. In view of the above discussion, the orders impugned in the writ petitions are set aside and the Writ Petitions are allowed. The second respondent is directed to refer the award before the concerned jurisdictional court in accordance with the provision under Section 20(1) of the Tamil Nadu Highways Act, 2001 for enhancement of the award amount, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such reference, the concerned jurisdictional court is directed to dispose of the same within a period of six months thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Tahsildar (L.A),
Land Acquisition Officer,
Highways I.R.R. Scheme,
Mambalam-Guindy Taluk,
Chennai Collectorate,
Chennai - 1.

2. The Collector of Chennai,
Chennai Collectorate,
Singaravelar Maligai,
Chennai.

+1cc to the Government Pleader, S.R.No.38814

W.P.NOS.34155 & 34156 OF 2013 AND
M.P.NO.1 OF 2013

PCH (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

PBS/01/09/2021