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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9272 of 2021

and

W.M.P.No.9836 of 2021

M/s.Chettinad Morimura Semiconductor
Material Pvt. Ltd.,
Rep. by Company Secretary,
V.G.Vimhalesh
Registered office at
No.37, Old Mahabalipuram Road,
Kazhipattur Village, Thiruporur Taluk,
Chengalpattu District - 603 103.

.....Petitioner

Vs

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Highways & Minor Ports Department,
Fort St.George,
Chennai - 600 009.

2. The District Collector,
Chengalpattu,
Chengalpattu District.

.....Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to pass an award/decision determining the amount due to be paid to the petitioner pursuant to the lands acquired by the first respondent, who acquired petitioner's lands measuring 805 sq.mts in survey Nos.267/4 and 267/5 sub-divided as 267/4A and 267/5A, Kazhipattur Village, now Chengalpattu District u/s.15 (1) of the Tamil Nadu Highways Act, 2001 by G.O.(Ms) No.126, Highways and Minor Ports (HQ2) dated 31.10.2011 duly published in the Gazette on 23.11.2011.

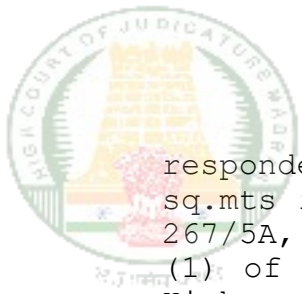
For Petitioner : Mr.K.Krishnaswamy

For Respondents: Mr.G.Ameedius

Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to pass an award/decision determining the amount due to be paid to the petitioner pursuant to the lands acquired by the first



respondent, who acquired petitioner's lands measuring 805 sq.mts in survey Nos.267/4 and 267/5 sub-divided as 267/4A and 267/5A, Kazhipattur Village, now Chengalpattu District u/s.15 (1) of the Tamil Nadu Highways Act, 2001 by G.O.(Ms) No.126, Highways and Minor Ports (HQ2) dated 31.10.2011 duly published in the Gazette on 23.11.2011.

2. Heard, Mr.K.Krishnaswamy, learned counsel appearing for the petitioner and Mr.G.Ameedius, learned Government Advocate appearing for the respondents.

3. The petitioner owned property admeasuring to an extent of 527 sq.mts comprised in Survey No.66/19 with New Survey No.267/4 and admeasuring to an extent of 584 sq.mts in Old Survey No.66/19, New Survey No.267/5 situated at Kazhipattur Village, Chengalpattu District. While being so, the first respondent acquired the land admeasuring to an extent of 285 sq.mts out of 527 sq.mts in Survey No.267/4 and sub-divided as 267/4A Kazhipattur Village, Chengalpattu District and 520 sq.mts out of 584 sq.mts in Survey No.267/5 and sub-divided as 267/5A of the same Village and District, in all totalling 805 sq.mts for the purpose of I.T.Corridor Express Way under the Tamil Nadu Highways Act, 2001.

4. The first respondent carried out the procedure in accordance with Section 15 of the Tamil Nadu Highways Act, 2001. After complying with the statutory formalities, the first respondent made the acquisition completed by publishing G.O.(Ms) No.126, Highways and Minor Ports (HQ2), dated 31.10.2011. It was duly published in the Tamil Nadu Government Gazette on 23.11.2011. Thereafter, the subject land vested with Government absolutely free from all encumbrances on the publication of the notification under Section 15(1) of the Act dated 23.11.2011 as set out in Section 16 of the Act. Thereafter, the petitioner received notice from the Special Tahsildar (Land Acquisition), I.T.Express Way Scheme, Tambaram, on 15.03.2012 to deliver the possession of the subject land as contemplated under Section 16(2) of the Act. Thereafter, the notice issued to the petitioner on 10.04.2013 as contemplated under Section 19(5) of Act, thereby calling upon the petitioner to appear before the second respondent for enquiry to pass an award. The petitioner also appeared before the second respondent on 30.04.2013 and even today, the second respondent did not pass any award.

5. Therefore, this Court deems it fit to direct the second respondent to pass an award in respect of the acquisition proceedings initiated under G.O.(Ms) No.126, Highways and Minor Ports (HQ2) dated 31.10.2011 for the acquired land comprised in survey Nos.267/4 and 267/5 sub-divided as 267/4A and 267/5A, admeasuring to an extent of 805 sq.mts, situated at Kazhipattur Village, Chengalpattu District, within a period of four weeks from the date of receipt of a copy of this order.



6. With the above direction, the writ petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Secretary to Government,
State of Tamil Nadu,
Highways & Minor Ports Department,
Fort St.George,
Chennai - 600 009.

2. The District Collector,
Chengalpattu,
Chengalpattu District.

+1 cc to Mr.S.Vasudevan, Advocate Sr.NO. 66498

+1 cc to Government Pleader Sr.NO. 67524

W.P.No.9272 of 2021

and

W.M.P.No.9836 of 2021

BP(CO)

A.SK(08.02.2022)