

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.10219 of 2021

Dr. T.D.Naidu,
S/o. K.P.Naidu

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Petitioner

Vs

1. The Collector,
Thiruvallur District,
Thiruvallur- 602 001.
2. The Project Director,
National Highways Authority of India,
Project Implementation unit,
"Sri Tower" 3rd floor,
DP-34 (SP), Industrial Estate, Guindy,
Chennai 600 032.
3. The Special District Revenue Officer
(Land Acquisition), NH-205,
No. 3 & 4, Lal Bagadthur Sasthri Street,
Periyakuppam Railway Station,
(Near) Thulasi Theatre,
Thiruvallur - 602 001

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the statutory entitlements namely 30% solatium on the market value of the land and 12% on the additional amount under Section 23(1-A) of the Act from the date of notification issued under the Act to the date of making of the award and on the enhanced market value under Section 28 of the Act @ 9% per annum from the date of issuance of notification for the first year ending and thereafter, @ 15% per annum till the date of tender of compensation amount of Rs.72.60/- per square feet and interest on the solatium and the additional amount, being the market value as of now accepted by the respondents, in pursuance of award R.C.No.21899-1/2011 F2 dated 16.02.2021 passed by the Arbitral Tribunal cum District Collector, Thiruvallur district in the light of the judgment of the Hon'ble Supreme Court of

India in the matter of Union of India and another vs/ Tarsem Singh and others in C.A.No.7064 of 2019 for the petitioner's property measuring an extent of 17,259 sq. mts which is 185774.33 sq.feet situated at Ramancheri Revenue Village, Thiruvallur Taluk and District.

For petitioner ... Mr. A. Saravanan

For respondents ... Mr. D.Raja,
Addl. Gov. Pleader
for R1 & R3

.... Mrs. S.R.Sumathi,
Standing Counsel, for R2

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner's representation to disburse the statutory solatium and interest to the petitioner.

2. According to the petitioner, the petitioner's land was acquired for National Highways, and an award was also passed. While passing the award, solatium and interest on solatium was not granted to the petitioner. Hence, he has filed an arbitration proceeding before the first respondent/District Collector and the first respondent/District Collector also did not consider the issue of payment of solatium and interest on it. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the land was acquired under the National Highways Authorities Act. Earlier, payment of solatium and the interest on the solatium has not been granted. Hence, he made a representation before the first respondent/District Collector. Since, the same has not been considered the present writ petition has been filed.

4. Mr. D.Raja, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.S.R.Symathy, learned Standing counsel appearing for the second respondent would submit that the entitlement of solatium has to be considered by the third respondent Acquisition Officer and the petitioner cannot make a representation before the District Collector. The District Collector is only an Arbitrator under Section 3G(5) of the National Highways Act. Hence, the

petitioner may be directed to file a fresh representation to the third respondent.

5. Considering the above facts and circumstances, the petitioner is directed to file a suitable representation before the 3rd respondent/ Acquisition Officer seeking for solatium and interest on it, with in a period of two weeks from the date of receipt of a copy of this order. On filing such representation, the third respondent Acquisition Officer is directed to consider the same and pass suitable orders on merits and in accordance with law within a period of eight weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed,

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

mrp
To

1. The Collector,
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Thiruvallur - 602 001

+2cc to Mr.A. Saravanan, Advocate SR.No.26313

+1cc to Government Pleader SR.No.26767

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LN(CO)
GMY(04/05/2021)