



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.10875 & 10883 of 2021
and W.M.P.Nos.11513 & 11517 of 2021

B.Jayaraman

.. Petitioner in
W.P.No.10875 of 2021

1. B.J.Expo Pvt. Ltd.,
Rep. by its Managing Director Mr.B.Jayaraman,
J4, 6th Avenue, Annanagar East,
Chennai - 600 102.

2. B.Jayaraman

.. Petitioners in
W.P.No.10883 of 2021

Vs.

1. The District Collector,
Kanchipuram, First Floor,
Collectorate, Kanchipuram-631 501.
2. The Special Tahsildar (L.A.)
Oragadam Industrial Park Road Construction Scheme,
No.43/36, Nehru Street,
Sriperumbudur, Kanchipuram District.
3. The Public Relation Officer,
Special Tahsildar (L.A.),
Oragadam Industrial Park Road,
Infrastructure Scheme, Sriperumbudur,
Kanchipuram District.

.. Respondents in both the WPs

Prayer in W.P.No.10875 of 2021: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to make reference to the competent Court under Section 20(1) of the Tamil Nadu Highways Act, 2001 for the enhancement of compensation as against the Original Award No.13/2012, dated 31.05.2012, in so far as petitioner's land measuring 001510 sq.mts, comprising in S.No.343/6 (New S.No.343/15) measuring 00230 sq.mtr, S.No.343/11 (New Survey No.343/16) measuring 00240 sq.mtr, S.No.343/12 (New S.No.343/17) measuring 00300 sq.mtr, S.No.346/9



(New S.No.346/12) measuring 00740 sq.mtr, totaling 001510 sq.mtr of No.178, Vallam-A Village, Sriperumbudur, Kanchipuram District within time frame.

Prayer in W.P.No.10883 of 2021: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to make reference to the competent Court under Section 20(1) of the Tamil Nadu Highways Act, 2001 for the enhancement of compensation as against the Original Award No.7/2011, dated 15.07.2011, in so far as petitioner's land measuring 7700 sq.mts., comprising in Survey Nos.201/1, 201/2, 201/3A2, 203/12A, 203/12B, 203/13, 203/21, 206/15, 206/16, 206/17 (New Survey Nos.201/16, 201/17, 201/19, 203/26, 203/27, 203/28, 203/30, 206/22, 206/16, 206/23) measuring 6250 sq.mtr., and in Survey No.206/14 measuring 450 sq.mtr., and in Survey No.202/12, New Survey No.202/20 measuring 1000 sq.mtr., of No.178, Vallam-A village, Sriperumbudur, Kanchipuram District as per third respondent's proceedings vide R.T.I.16/2020/A1, dated 13.11.2020 within time frame.

For Petitioners : Mr.V.Srinivasa Babu
in both the WPs

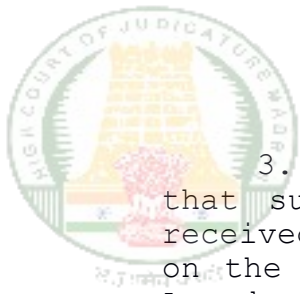
For Respondents : Mr.Yogesh Kannadasan,
in both the WPs Government Advocate

C O M M O N O R D E R

(The case has been heard through video conference)

The writ petitions have been filed seeking a direction to the respondents to make reference under Section 20 of the Tamil Nadu Highways Act (hereinafter referred to as the 'Act') for enhancement of compensation.

2. The grievance of the petitioners is that their lands were acquired for widening the road under the Tamil Nadu Highways Act and subsequently Award was also came to be passed. After passing of the Award, copy of the Award was not served on the petitioners. On 25.02.2014 and 14.03.2014 the second respondent Tahsildar sent a cheque for a sum of Rs.39,06,703/- and Rs.24,21,884/- respectively to the petitioners and thereafter only the petitioners came to know that Award has been passed in these cases. Not being satisfied with the quantum of compensation, the petitioners sent their respective representations to the authorities to furnish a copy of the Award and also refer the same under Section 20 of the Act. But, so far the same was not considered, hence the present writ petitions have been filed.



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3. The second respondent filed counter affidavit stating that subsequent to the passing of the Award, the petitioners received the compensation amount on 25.02.2014 and thereafter, on the request made by the petitioners under RTI a copy of the Award was served on them on 05.07.2021.

4. The learned counsel appearing for the petitioners submitted that after passing of the Award in the year 2014, neither a copy of the award nor award notice was served on the petitioners. Only on receipt of compensation amount, they came to know about the passing of award and sought for reference. He further submitted that in the counter affidavit also they have not denied the above fact, admittedly the copy of the award was furnished only on 05.07.2021. In the above circumstances, the petitioners have made the application in time and it is the duty of the Acquisition Officer to refer the same and he cannot keep the matter pending.

5. The second respondent Tahsildar appeared before this Court and submitted after verification of the records that there is nothing available on record to show that a copy of the Award has been served on the petitioners. The learned Government Advocate appearing for the respondents submitted that the respondents will refer the Award under Section 20(1) of the Tamil Nadu Highways Act. The said statement is recorded.

6. Considering the above facts and circumstances, as a copy of the award has not been furnished to the petitioners and they came to know about the same only on 25.02.2014 and immediately thereafter they also made a request for reference. In such circumstances, the second respondent Special Tahsildar (L.A.) is directed to refer the award under Section 20(1) of the Tamil Nadu Highways Act, 2001 within a period of six weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram, First Floor,
Collectorate, Kanchipuram-631 501.



2. The Special Tahsildar (L.A.)
Oragadam Industrial Park Road Construction Scheme,
No.43/36, Nehru Street,
Sriperumbudur, Kanchipuram District.

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3. The Public Relation Officer,
Special Tahsildar (L.A.),
Oragadam Industrial Park Road,
Infrastructure Scheme, Sriperumbudur,
Kanchipuram District.

+4ccs to Mr.V.Srinivasa Babu, Advocate, S.R.No.36739,36740
+1cc to the Government Pleader, S.R.No.37375

W.P.Nos.10875 & 10883 of 2021 and
W.M.P.Nos.11513 & 11517 of 2021

VBM(CO)
HS(26/08/2021)