



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 14199 of 2021

and

WMP.No.15080 of 2021

1. Anuradha

2. S. Somasundaram

...

Petitioners

Vs

1. The Collector of Chennai cum
Land Acquisition Officer,
Singaravelan Maligai,
Rajaji Salai, chennai 600 001.

2. The Special Tahsildar (L.Aq)
Highways I.R.R. Scheme,
Mambalam Guindy taluk, @ Collectorate,
Singaravelan Malagai,
Rajaji Salai, Chennai 600 001

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to refer the dispute of fixing correct market value to the competent Civil Court in respect of 1st petitioner's land acquired from her, the Survey No.666(part) New Sub Division Survey No.666/1A1A measuring an extent of 1551 sq.ft., (3.56 cents) in plot NO.24 (western portion) at kubera Nagar, Velacherry Village, Mambalam-Guindy Taluk, Chennai and in respect of the land acquired from 2nd petitioner, the land measuring an extent of 843 sq.ft., (1.935 cents) in plot NO.24 (eastern portion) comprised in survey No.666(part), New Sub Divisional Survey No.666/1A1A at Kubera Nagar, Velacherry Village, Mambalam-Guindy Taluk, Chennai for the formation of Southern-Sector Inner Ring Road- Phase III as per section 20 of the Tamilnadu Highways Act 2001 pursuant to the decision made on 14.03.2015 at Lok Adalat as per section 21(1) and 21(2) of Tamil Nadu Highways Act 2001 in LAOP No.10 of 2009 on the file of the VI Assistant City Civil Judge, Chennai declaring both petitioners as title holders of the property pursuant to such declaration, written request



made to the respondents on 24.03.2015 and subsequent representation sent to the respondents on 23.01.2021 by both the petitioners and implement the final order passed by this court in the batch of cases in CRP Nos.1413 of 2020, etc., on 01.10.2020 by our Hon'ble High Court of Madras the above said batch of CRPs by partly confirming the award passed by the reference Court enhancing compensation from Rs.102/- per sq.ft to Rs.1655/- per sq.ft., with all statutory benefits.

For petitioner ... Mr. K.M. Venugopal

For respondents ... Mr. Yogesh Kannadasan,
Government Advocate
for R1

ORDER

This writ petition has been filed to direct the first respondent to consider his representation.

2. According to the petitioners, their lands were acquired under the Tamil Nadu Highways Act, without issuing any notice whatsoever. Subsequently, an award also came to be passed in the name of their vendor and on the objection filed by the petitioners, the matter was referred under Section 21(2) of the Highways Act, in LAOP No.10 of 2009 on the file of the VI Assistant City Civil Court, Chennai. Subsequently, the matter came to be settled in the Lok Adalat on 14.03.2015. Thereafter, on 24.03.2015, the petitioner filed an application, before the respondents under Section 20 of the Tamil Nadu Highways Act, seeking for reference. But, the same has not been considered so far. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that after passing of the award, under Section 21 of the Act, the petitioner has filed an application seeking for reference under Section 20 of the Act, within the time, and that the authorities may be directed to pass suitable orders on the application.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



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5. Considering the facts and circumstances of the case and the limited prayer sought for in the writ petition, and also the fact that the petitioner's representation dated 24.03.2015 is pending with the 2nd respondent, the 2nd respondent is directed to consider the petitioner's representation, conduct enquiry and pass suitable orders, on merits and in accordance with law, after giving opportunity to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of . No costs. Consequentially, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

mrp

To

1. The Collector of Chennai cum
Land Acquisition Officer,
Singaravelan Maligai,
Rajaji Salai, Chennai 600 001.

2. The Special Tahsildar (L.Aq)
Highways I.R.R. Scheme,
Mambalam Guindy taluk, @ Collectorate,
Singaravelan Malagai,
Rajaji Salai, Chennai 600 001

+1CC to M/s.K.M.Venugopal, Advocate, SR.No.035013
+1CC to The Government Pleader, SR.No.35296 (08/09/2021)

W.P. No. 14199 of 2021

GPL(CO)
B.VC (25/08/2021) (08/09/2021)