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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15084 of 2020

and

W.M.P.No.18805 of 2020

Basheera Beevi

...Petitioner

Vs

1.The Project Director,
National Highways Authority of India,
Sri Towers - DP - 34 (SP) Industrial Estate,
Guindy, Chennai - 600 032.

2.The Competent Authority,
The Special District Revenue Officer (LA)
National Highways Authority of India,
Tiruvallur.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the amount of Rs.21,67,640/- to the petitioner account as per order passed dated 04.03.2020 proceeding in R.C.No.236/2020/NH-5, Thurappalam Village, NH-5.

For Petitioner : Mr.S.Saranraj

For R1 : Mr.Su.Srinivasan

For R2 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pay the amount of Rs.21,67,640/- to the petitioner's account as per the order passed on 04.03.2020 proceeding in R.C.No.236/2020/NH-5, Thurappalam Village, NH-5.

2. Heard, Mr.S.Saranraj, learned counsel appearing for the petitioner, Mr.Su.Srinivasan, learned counsel appearing for the first respondent and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the second respondent.

3. The property, comprised in survey No.155/3A1C7B1 situated at Thurapallam Village, Gummudipundi Taluk,



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Tiruvallur District, owned by the petitioner. The second respondent acquired the subject property for widening of National Highways-5. The petitioner's property was acquired and a sum of Rs.45,12,152/- was paid as compensation by an award dated 10.05.2017. It was fixed based on the land value, structural value of two story building and along with 100% solatium for land and structure value. The said amount was duly paid to the petitioner. Subsequently, a communication received from the first respondent stating that inadvertently value of the structure determined as Rs.22,97,282/- instead of Rs.29,25,728/-. Therefore, the petitioner made a representation to the second respondent for re-valuation and requested to award more amount of compensation. Accordingly, by the proceedings dated 04.03.2020, the structure was valued and the balance to be paid at Rs.21,67,640/- as compensation.

4. A perusal of the counter filed by the first respondent reveals that originally the award passed on 10.05.2017, thereby fixed the compensation for structure at Rs.21,59,445/- with 100% solatium. The petitioner was paid a sum of Rs.45,12,152/-. However, the structure value was not properly valued and as such, it ought to have valued at Rs.29,25,728/- for structure and after deduction of salvage at 6% and after deduction already amount paid to the petitioner by paying 100% solatium for the remaining value thereby the respondent is liable to pay a sum of Rs.11,81,478/-. The award dated 04.03.2020 is only an inter communication between the first respondent and the second respondent and it is not an additional award for the earlier award dated 10.05.2017. As per the said instruction on 23.02.2021, the second respondent passed an award as follows :

I. CALA vide award dated 23.02.2021 has passed award for the difference in valuation as detailed below :-

1	Value of the structure in S.No.155/27 of Thurapallam Village as per the report of the EE	Rs.29,25,728
2	Deduction of Salvage at 6%	Rs. 1,75,544
3	Balance Payable	Rs.27,50,184
4	Amount already paid	Rs.21,59,445
5	Balance to be paid	Rs. 5,90,739
6	100% solatium payable as per RFCTLARR Act	Rs. 5,90,739
7	Total amount payable to the land owner	Rs.11,81,478

5. Therefore, the first respondent is directed to disburse the revised compensation at Rs.11,81,478/- to the land owner, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that the



petitioner is at liberty to challenge the same before the Arbitrator for enhancement of compensation in the manner known to law.

6. With the above direction, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Project Director,
National Highways Authority of India,
Sri Towers - DP - 34 (SP) Industrial Estate,
Guindy, Chennai - 600 032.

2.The Competent Authority,
The Special District Revenue Officer (LA)
National Highways Authority of India,
Tiruvallur.

+lcc to Government Pleader SR. No.62653

W.P.No.15084 of 2020
and
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BS (CO)
PR (19/01/2022)