



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.10.2021

Coram:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.607 of 2014

and

M.P.No. 1 of 2014

C.Manivelu

.... Petitioner

Vs

1. The District Collector,  
Tiruvallur District,  
Tiruvallur.

2. The Chief Engineer (General),  
Highways Department,  
Chepauk, Chennai - 5.

3. The Divisional Engineer,  
(Construction and Maintenance),  
Highways Department,  
Tiruvallur.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 2 and 3 to pay the balance compensation amount together with interest from the date of taking possession of the land till the date of payment pursuant to District Collector's proceedings in RC No.20373/10 F1 dated 28.03.2013.

For Petitioner : Mr.S.M.Muthappan

For Respondents : Mr. Richardson Wilson,  
Government Advocate

ORDER

This Writ Petition has been filed for issuance of writ of Mandamus, directing the respondents 2 and 3 to pay the balance compensation amount together with interest from the date of taking possession of the land till the date of payment pursuant to District Collector's proceedings in RC No.20373/10 F1 dated 28.03.2013.



WEB COPY

2. Heard, Mr.S.M.Muthapppan, learned counsel appearing for the petitioner and Mr.Richardson Wilson, the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the land ad-measuring to an extent of 1060 sq.ft of Plot No.15 in Survey No.199/4, 206/3 covering patta No.3756 situated at Vasantam Nagar, Avadi, had been taken and utilised for the purpose of widening the Avadi to Poonamallee High Road by the respondents. The petitioner submitted a representation to the respondents for compensation. The petitioner also filed a writ petition before this Court in W.P.No.21619 of 2011, for direction directing the respondent to determine the compensation as per the provisions set out in the Land Acquisition Act. This Court by an order dated 20.10.2011 issued notice to the petitioner and call for negotiation. On 21.12.2011, the petitioner made a representation to fix the market value with all the benefits as compensation as per the Land Acquisition Act. The first respondent conducted an enquiry and the petitioner participated in the enquiry. The District Level Private Negotiation Committee has fixed Rs.750/- per sq.ft as compensation and arrived at a sum of Rs.7,83,000/- payable to the petitioner. Out of payable compensation, a sum of Rs.1,70,830/- was paid to the petitioner and the balance compensation amount of Rs.6,12,170/- is to be paid to the petitioner. Hence the Writ Petition.

4. A perusal of the counter reveals that after issuance of legal notice by the petitioner, the third respondent requested the Superintending Engineer to obtain orders from the Government to make balance compensation to the petitioner and also by a reminder dated 23.01.2014. The Superintending Engineer also by his communication dated 27.01.2014 sent a reminder to the second respondent to obtain necessary orders from the Government. Now, the Principal Secretary to Government, Highways and Minor Ports Department, Government of Tamil Nadu has to pass necessary Government orders to make the payment.

5. Considering the above, the Principal Secretary to Government, Highways and Minor Ports Department, Government of Tamil Nadu is directed to issue necessary orders within a period of two weeks. On receipt of the same, the first respondent is directed to disburse the compensation within a period of four weeks, thereafter.



6. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lpp  
To

1. The District Collector,  
Tiruvallur District,  
Tiruvallur.
2. The Principal Secretary to Government,  
Highways and Minor Ports Department,  
Government of Tamil Nadu.
3. The Chief Engineer (General),  
Highways Department,  
Chepauk, Chennai - 5.
4. The Divisional Engineer,  
(Construction and Maintenance),  
Highways Department,  
Tiruvallur.

+lcc to the Government Pleader Sr.56700  
+lcc to Mr.M.Muthappan, Advocate Sr.56331

W.P.No.607 of 2014  
and  
M.P.No. 1 of 2014

rld[col]  
srg 16/11/2021