



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

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CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.18477 of 2021

M/s. Aastha Community Centre LLP,  
A Limited Liability Partnership Firm,  
Represented by its Designated Partner,  
Mr.K.V. Narayan, having registered office,  
At No.11, Sriram /nagar, North Street,  
Alwarpet, Chennai - 600 018.

...Petitioner

Versus

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.

2. The Special Tahsildhar ( Land-Acquisition ),  
Oragadam Industrial Park Road,  
Infrastructure Scheme,  
Sriperumpudur, Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to refer the matter to the concerned court or Sub Court, Kancheepuram under Section 20(1) of Tamil Nadu Highways Act, 2001 based on the petitioner's representations dated 08.01.2020 and 04.08.2021 for determining the enhancement of compensation for the petitioner's acquired land measuring an extent of 306 Sq.Metre comprised in S.F.No.387/2B of Village No.88, Padappai Village, Sriperambudur Taluk, Chengalpattu - MGR District.

For Petitioner : Mr.A.Umasankar

For Respondents : Mr.K.M.D. Muhilan,  
Government Advocate



## ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to refer the matter before the concerned Court or Sub Court, Kancheepuram under Section 20(1) of Tamil Nadu Highways Act, 2001, based on the petitioner's representations dated 08.01.2020 and 04.08.2021 for determining the enhancement of compensation for the petitioner's acquired land measuring an extent of 306 Sq.Metre comprised in S.F.No.387/2B of Village No.88, Padappai Village, Sriperumbudur Taluk, Chengalpattu - MGR District.

2. According to the petitioner, the petitioner has purchased larger extent of property of an extent of 50.20 cents comprised in S.F.No.387/2 of Village No.88, Padappai Village, Sriperumbudur Taluk, Chengalpattu - MGR District by way of registered sale deed, dated 09.12.2014 vide Document No.9515 of 2014 on the file of Sub Registrar Office, Padappai, Kancheepuram District, and he has also purchased another property of measuring an extent of 10.50 cents by way of sale deed dated 21.01.2015 in the same survey number from the same vendors for valuable sale consideration. He has also obtained patta bearing No.3140 for the entire property and as per Patta, the survey number was re-surveyed as S.F.No.387/2B. Thereafter, he was constructed a Kalyanamandapam, for which, the petitioner has applied for planning and building permit and had obtained DTCP approval for constructing the same. In the meanwhile, the respondent authorities have demolished the petitioner's compound wall, which was put up in the aforesaid property facing on the road. Immediately after, he gave an objection in January, 2018, by reply dated 29.01.2018, the Tamil Nadu Road Infrastructure Development Corporation has stated that the Government has issued notification under Section 15(1) of Tamil Nadu Highways Act, 2001 to acquire various lands at Padappai Town for the purpose of widening and improving of Vandalur to Wallajabad Road for Development of Oragadam Industrial Corridor Project. In the said reply, the extent of 306 Sq.meter alone was proposed to be acquired in their land and a notice was directed to be issued to the petitioner before conclusion of land value towards determining the compensation. On further enquiry, the petitioner came to know that though the acquisition proposal was published in the year 2012, the Government has issued amended notification which was published in Government Gazzette only upon the issuance



of G.O.(Ms).No.1, dated 02.01.2017, Highways and Ports (HS1) Department. When the petitioner was purchased the property in the year 2014 and 2015, there was no impediment or bar for the petitioners to get it registered and also there was no objection from DTCP when it was applied for approval also. Therefore, the petitioner was a bonafide purchaser for a sum of Rs.10,50,000/- per cent. Since there was no response from the respondents regarding fixation of fair compensation, he has sent a reminder letter dated 08.05.2018 along with working sheet to the 2nd respondent and requesting them to pay fair compensation for the acquired land including the costs for demolishing the compound wall and enquiry was conducted under Section 19(5) and 19 (7) of Tamil Nadu Highways Act, 2001, on 03.07.2018 for fixing the compensation. Wherein the petitioner has claimed to fix Rs.1,54,98,567/- as compensation for their acquired land. The 2nd respondent has not considered his claim in determining the land value for the acquired land in a meager price and fixed the compensation amount as Rs.31,66,803/- thorough an Award No.2 on 28.02.2019 and the petitioner was issued with compensation by way of a cheque dated 14.10.2019 which was received under enhancement of compensation. On 04.12.2019, the petitioner requested the 2nd respondent to furnish the copies of calculation for determining the land value and compensation amount fixed for the acquired land. Accordingly, the petitioner was given the details of the said calculation regarding the same on 24.12.2019. The petitioner was dissatisfied with the calculations issued an objection letter was sent to the 2nd respondent on 08.01.2020 referring the matter to the Civil Court for claiming enhancement of compensation. On 03.03.2020 the petitioner's claim was forwarded to the 1st respondent and requested thereon to refer the claim before the Sub Court, Kancheepuram District under Section 20(1) of the Tamil Nadu Highways Act, 2001 for determining the enhancement of compensation. Again, the petitioner sent a reminder on 04.08.2021 and the original representation on 18.03.2021 before the 1st respondent to consider his representation and refer the matter before the concerned Sub-Court, Kancheepuram District. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. Mr.K.M.D.Mugilan, learned Government Advocate appearing for the respondents submitted that the representations of the petitioner dated 08.01.2020 and 04.08.2021 will have to be



considered and pass appropriate orders in accordance with law if any representations submitted by the petitioner before the respondents herein.

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4. Heard both side and perused the materials available on record.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representationS or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents to consider the petitioner's representations dated 08.01.2020 and 04.08.2021 and pass proper orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1.The District Collector,  
Kancheepuram District,  
Kancheepuram.

2.The Special Tahsildhar ( Land-Acquisition ),  
Oragadam Industrial PARK Road,  
Infrastructure Scheme,  
Sriperumpudur,  
Kancheepuram,

+1cc to the Government Pleader, S.R.No.44874

W.P.No.18477 of 2021

PL(CO)  
SB(13/10/2021)