



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.10.2021

Coram:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16321 of 2014

E.Thangavelu

... Petitioner

Vs.

1. The District Collector,
Vellore - 9.

2. The Tahsildhar,
Tirupattur Taluk,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to refer the Land Acquisition proceedings initiated in respect of the petitioner's land bearing S.No.0.13.77 hectares in S.No.85, situated at Pachal Village, Tirupattur Taluk, Vellore District, which acquired for the purpose of widening of road for construction of road bridge in lieu of Railway Kadavu No.88 by the Highways Department, to the reference Court under Section 20(1) of the Tamil Nadu Highways Act, 2001 and to pay compensation to the land bearing S.No.85, to an extent of 0.13.77 hectares, situated at Pachal Village, Tirupattur Taluk, Vellore District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Richardson Wilson
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to refer the Land Acquisition proceedings initiated in respect of the petitioner's land bearing S.No.0.13.77 hectares in S.No.85, situated at



Pachal Village, Tirupattur Taluk, Vellore District, which was acquired for the purpose of widening of road for construction of road bridge, in lieu of Railway Kadavu No.88 by the Highways Department, to the reference Court under Section 20(1) of the Tamil Nadu Highways Act, 2001 and to pay compensation to the land bearing S.No.85, to an extent of 0.13.77 hectares, situated at Pachal Village, Tirupattur Taluk, Vellore District.

2. The case of the petitioner is that the petitioner and his brothers owned the property comprised in S.No.85 admeasuirng an extent of 0.47.0 hectares and and they were also issued joint patta in Patta No.1788. While that being so, the said land was acquired for the purpose of widening of road and for construction of bridge, in lieu of Railway Kadavu No.18 by the Highways Department. The Form-A notice had been intimated in respect of the petitioner's property to an extent of 0.13.77 hectares, stating that the land will be acquired for the aforesaid purposes. After acquisition proceedings, the award was passed and the respondents wrongly calculated the subject property as 13.77 square meters and determined the value at Rs.84 per sq.mts and the compensation was awarded at Rs.1,712/- and the cheque was issued to the petitioners on 20.01.2012. On receipt of the same, the petitioner objected to the same. Thereafter, the petitioner had approached the first respondent by way of representation dated 13.02.2012 seeking enhancement of compensation. However, the said request was not referred before the referral Court as required under Section 20 (1) of the Tamil Nadu Highways Act, 2001.

3. The learned counsel for the petitioner submitted that if the petitioner's request is made within a period 60 days from the date of award, it will be referred before the referral for enhancement of compensation amount. It is seen from the information received under the Right to Information Act by the petitioner that the first respondent calculated the compensation for the land ad-measuring 13.77 sq.mts, instead of 0.13.77 hectares. It is an error apparent on the face of record itself and as such, it has to be corrected by the referral Court which will also consider for enhancement of compensation.

4. Considering the above facts and circumstances, the first respondent is directed to refer the Award passed in respect of the subject property comprised in S.No.85, situated at Pachal Village, Tirupattur Taluk, Vellore District before the referral Court as contemplated under Section 20(1) of the Tamil Nadu Highways Act, 2001, within a period of four weeks from the date of receipt of a copy of this order, if not already referred.



5. With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore - 9.
2. The Tahsildhar,
Tirupattur Taluk,
Vellore.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.56022

+1cc to the Government Pleader, S.R.No.56705

W.P.No.16321 of 2014

NRL (CO)
SU (24/11/2021)