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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20743 of 2021

R.Shanmugam

...Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk, Chennai - 5.
2. The Commissioner,
Corporation of Chennai,
Chennai - 3,
3. Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai - 5.
4. Zonal Officer,
Zone - 12, Corporation of Chennai,
Alandur, Chennai - 16.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay compensation under the Provisions of Right to Fair Compensation Act for compulsory acquisition of petitioner's lands comprised in S.No.26/2, T.S.No.9/2, D.No.82, Durai Raj Street previously Alandur Municipality, presently Zone 12, Chennai Corporation, Pazhavandangal, in the year 1988 and award interest in the compensation to be determined from the date of acquisition to till date for deprivation of property not in accordance with law.

For Petitioner : Mr.B.Vijay

For R1 : Mr.V.Veluchamy
Government Advocate

For R2 & R4 : Mr.R.Gopinath
Standing Counsel



ORDER

This Writ Petition has been filed to direct the respondents to pay compensation under the Provisions of Right to Fair Compensation Act for compulsory acquisition of petitioner's lands comprised in S.No.26/2, T.S.No.9/2, D.No.82, Durai Raj Street previously Alandur Municipality, presently Zone 12, Chennai Corporation, Pazhavandangal, in the year 1988 and award interest in the compensation to be determined from the date of acquisition to till date for deprivation of property not in accordance with law.

2. According to the petitioner, he is the absolute owner of the land comprised in S.No.26/2, T.S.No.9/2, D.No.82, Durai Raj Street, Pazhavandangal Village, Alandur Municipality, presently Zone 12, Chennai Corporation, Pazhavandangal admeasuring to an extent of 387 Sq.ft by virtue of registered sale deed dated 11.09.1980 vide Document No.1935/1980 registered in the Sub Registrar Office, Alandur. He was in peaceful possession and enjoyment of the said property. The said land was purchased by his hard earned money to build a residential house for his occupation. On 22.09.1988, the Alandur Municipality has issued an Acquisition notice to him to acquire his lands for formation of road at Pazhavandangal in the name of "Thillai Ganga Nagar Link Road". The said notice was not issued under the provisions of Land Acquisition Act. He made an objection for acquisition of the lands without even following the provisions of Land Acquisition Act 1894. However, the Municipal Authorities have laid a public road in the acquired properties. He has been requesting the Alandur Municipality to pay reasonable compensation for the compulsory acquisition of his land and submitted various representations for the last 33 years from time to time. But, the Municipal Authorities have not initiated any action on his representation for payment of compensation. On 14.06.2001, the then Commissioner of Alandur Municipality addressed a communication to the Inspector General of Registration with regard to payment of compensation, but no action was taken by the authorities to disburse the compensation amount to him.

3. Aggrieved by the inaction of the Municipal Authorities, the petitioner has filed W.P.No.11619 of 2005 before this Court, for issuance of Writ of Mandamus to direct the Municipality to pay compensation for the compulsory acquisition of his lands along with reasonable rate of interest. This Court, by order dated 22.01.2010, was pleased to direct the respondents therein



to consider his representation and make payment of compensation within a period of 12 weeks from the date of receipt of a copy of the order. The respondents have not initiated any action in pursuance of the direction issued by this Court. Hence, he again made a representation in the month of October 2010 for payment of compensation in accordance with the direction issued by this Court. The Commissioner of Alandur Municipality has addressed a communication dated 22.10.2010 to the Commissioner of Municipal Administration stating that his land has been acquired for formation of road in the year 1988 and compensation has not been paid for all these years, and sought for appropriate instruction for determination of compensation. Even after receipt of the said proposal, the 1st respondent has not issued any direction for payment of compensation.

4. The petitioner made another representation on 14.02.2018 and 05.04.2018 to the District Collector, Kanchipuram and the Commissioner of Alandur Municipality to comply with the direction issued by this Court in the aforesaid Writ Petition and to make payment of compensation forthwith. The District Collector by proceedings dated 14.06.2018 has forwarded his representation to the Commissioner of Alandur Municipality for immediate disbursement of compensation. Further, the Secretary Mass Department has also passed an order dated 02.08.2018 directing the Commissioner of Chennai Corporation to pay compensation for acquisition of his lands. Despite issuance of repeated directions by the Superior Officers, the 2nd respondent has not initiated any action for payment of compensation. The Alandur Municipality was merged with the Chennai Corporation under Executive Order issued on 25.10.2011. By virtue of expansion of territorial limits of corporation, the Corporation Commissioner is bound to pay compensation to his property. In this connection, the Assistant Commissioner Division 12 Corporation of Chennai has addressed a communication to him for production of title deeds and other documents for fixation of determination of compensation. On 26.09.2018, he has appeared before the Assistant Commissioner and submitted the title deeds and other documents for determination of compensation. Thereafter, the Divisional Officer addressed a communication to him on 05.10.2018 stating that necessary action had been initiated for determination of compensation and payments will be disbursed immediately after obtaining sanction from the respective department. But, he was not paid any compensation as stated by the Divisional Officer. On 09.11.2018, the Superintendent Engineer of Chennai Corporation Division 12 has addressed a long proposal to the Government and Corporation Commissioner for payment of compensation for compulsory



acquisition of his lands. It is stated in the said communication that the Corporation has also passed a Resolution No.1441 dated 31.08.2010 seeking permission for payment of compensation, and necessary documents authenticating his title was also taken on file. But, till date, the respondents have not paid any compensation for his property and therefore, he approached this Court by filing this Writ Petition.

5. The learned counsel appearing for the petitioner would submit that the petitioner's lands have been acquired in the year 1988 and the value of the acquired lands have also been increased into a higher rate, but still the respondents have not paid any compensation for his lands. Further, he would submit that the petitioner is a senior citizen aged about 70 years and he has been running from pillar to post for more than 33 years to get reasonable compensation for his lands acquired by the Government.

6. In this regard, the Learned Government Advocate appearing for the respondents has produced a copy of the letter dated 29.09.2021 sent by the Deputy Secretary of Government addressed to the Chennai Corporation, wherein, it is found that the Alandur Municipality has now been merged with the Chennai Corporation. Hence, all the duties and responsibilities of the said municipality have been entrusted to the Chennai Corporation. Further, it is found that since the lands acquired from the petitioner are falls under the Alandur Municipality, the Deputy Secretary of Government has directed the Chennai Corporation to take immediate action on the Judgment passed by this Court in W.P.No.11619 of 2005 filed by the petitioner for providing reasonable compensation for his lands acquired in S.No.26/2. T.S.No.9/2, D.No.82, Durai Raj Street, Pazhavandangal Village, Alandur Municipality, presently Zone 12, Chennai Corporation, and to provide details of the same to the Government.

7. In view of the above letter dated 29.09.2021 sent by the Deputy Secretary of Government and taking into consideration the fact that the petitioner's representation is in consideration before the respondents and the same is now pending before the Corporation of Chennai, this Court hereby directs the Chennai Corporation to consider the petitioner's representation for reasonable compensation and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.



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8. Accordingly, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk, Chennai - 5.
2. The Commissioner,
Corporation of Chennai,
Chennai - 3,
3. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
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4. The Zonal Officer,
Zone - 12, Corporation of Chennai,
Alandur, Chennai - 16.

+2 Ccs to Mr.B.Vijay, Advocate sr 51027
+1 CC to Mr.R.Gopinath, Advocate sr 51327.

W.P.No.20743 of 2021

GPL(CO)
SP(16/12/2021)