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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21912 of 2021
and W.M.P.Nos.23109, 23111, 23112 of 2021

1. C.Ravi Subramanyam
2. C.Ramakrishnan ... Petitioners

-Vs-

1. State of Tamil Nadu,
Represented by the Principal Secretary,
Highways and Minor Port Department,
Fort St.George,
Chennai - 600 009.

2. The District Collector,
Thiruvallur District,
Thiruvallur - 600 104.

3. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

4. The Deputy Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

5. The District Registrar (Administration),
Chennai (North),
District Registrar Office,
1st Floor, Ex Lane,
Chennai - 600 104.

6. The Special District Revenue Officer,
TN Road Development Scheme - II,
Chennai - 600 032.

7. The Special Tahsildar,
North Port Access Road (NPAR),
CPRR-Unit I, Ponneri - 601 204,
Thiruvallur District. ... 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 Nos.1st, 6th and 7th respondents, to act in accordance with the report dated 22.03.2021, of the Sub- Registrar, Ponneri and the communication of the fifth respondent, dated 21.04.2021, determining the value of Survey Numbers 189/3A and 189/3B, to be Rs.804/- per sq.ft and nature of classification of the said survey numbers to be "RS-I", which has also been confirmed by the 6th respondent and to consequently fix appropriate compensation for the lands acquired from the petitioners, in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and such other laws in force.

For Petitioners : Mr.Rahul Balaji

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the Respondents Nos.1st, 6th and 7th respondents, to act in accordance with the report dated 22.03.2021, of the Sub- Registrar, Ponneri and the communication of the fifth respondent, dated 21.04.2021, determining the value of Survey Numbers 189/3A and 189/3B, to be Rs.804/- per sq.ft and nature of classification of the said survey numbers to be "RS-I", which has also been confirmed by the 6th respondent and to consequently fix appropriate compensation for the lands acquired from the petitioners, in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and such other laws in force.

2. Heard Mr.Rahul Balaji, learned counsel appearing for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The petitioners jointly owned lands comprised in Survey No.189 ad-joining to Thiruvotriyur High Road, in pursuant to the partition deed, dated 08.09.2005 registered vide Document No.4226 of 2005. Out of the said lands, 761 sq.metres in Survey No.189/3A and 1230 sq.metres in Survey No.189/3B (hereinafter called as "subject property") were acquired under the Land Acquisition Proceedings under the Tamil Nadu Highways Act, 2001 (hereinafter called as "Act"). The petitioners were issued notice under Section 15(2) of the Act and on receipt of the same, the petitioners appeared for enquiry. Ultimately, the lands came to be notified in the



Tamil Nadu Gazette No.291 Part VI Section 1, dated 20.07.2020 under Section 15 (1) of the Act.

4. Thereafter, by the notice, dated 04.01.2021 issued by the sixth and seventh respondents under Section 19(2) of the Act, the petitioners were called upon to attend the personal hearing to be conducted on 20.01.2021 for fixation of compensation for the lands acquired from the petitioners. The petitioners participated in the enquiry and they were informed that the compensation would be fixed as per the guideline values provided for the subject property. However, the petitioners subsequently learnt that, the guideline values for the subject property were shown as Rs.335/- per sq.ft and other sub divisions in the same survey numbers abutting the Thiruvotriyur High Road, reflected as Rs.804/- per sq.ft.

5. Therefore, aggrieved by the discrepancy in the guideline values, the petitioners submitted a representation, dated 29.01.2021 before the third respondent to rectify the discrepancy in respect of the guideline value for the subject property.

6. On receipt of the same, the fifth respondent rectified the guideline value for the subject property as Rs.804/- per sq.ft and recommended to fix the value at Rs.804/- for the subject property to the fourth respondent by the communication, dated 21.04.2021.

7. In pursuant to the said communication, the petitioners filed this writ petition for direction, directing the respondents 1, 6 and 7, to act in accordance with the report submitted by the fifth respondent to determine the value of the compensation for the subject land. However, pending the writ petition, the sixth and seventh respondents passed an award in Award No.20 of 2020 on 29.09.2021, thereby fixed the compensation of Rs.3351/- and passed the award. Thereafter, the petitioners received the same only on 21.10.2021. Pending the writ petition, the petitioners made an application, dated 22.11.2021, before the second respondent who is being an Arbitrator under the act for enhancement of compensation amount.

8. Though, the prayer sought for in this writ petition become infructuous, the second respondent is directed to consider the recommendation of the fifth respondent, dated 21.04.2021 while considering the petition for enhancement of compensation and accordingly, determine the value of the property and award compensation, after giving an opportunity of hearing to the petitioners, pass 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.



9. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
State of Tamil Nadu,
Highways and Minor Port Department,
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2. The District Collector,
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3. The Inspector General of Registration,
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+1cc to Government Pleader SR. No.62227

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