

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.19281 of 2020
and WMP.Nos.23872 & 23873 of 2020

1.G.D.Prabhakar
2.G.Srikrishna Dayal

... Petitioners

Vs.

1.The Principal Secretary
Government of Tamil Nadu
Highways and Minor Port Department
Fort St.George, Chennai – 600 009.

2.The District Collector
Tiruvallur District
Tiruvallur.

3.The Special District Revenue Officer (L.A.)
Tamil Nadu Road Sector Project-II
Chennai – 600 032.

4.The Special District Revenue Officer (L.A.)
Chennai Peripheral Ring Road Project
Ambattur Industrial Estate
Chennai – 600 058.

5.The Special Tahsildar
North Port Access Road (NPAR)
CPRR – Unit I, Ponneri – 601 204
Tiruvallur District.

6.The Tamil Nadu Road Development Company Ltd.,
Reptd., by its Director
No.171, II Floor, Tamil Nadu Maritime Board Building
South Kesavaperumalpuram
Pasumpon Muthuramalingam Road
(Near Greenways Road MRTS Station)
Raja Annamalaipuram
Chennai – 600 028.

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 4th respondent to consider the representation of the petitioner, dated 20.11.2020 and to fix the market value of the property being land and building, comprised in Wet Survey No.276/2A1A1(part) – 2265 sq.mtrs. (acre 0.56 cents) out of total extent of 0.29.7 hectare (acre 0.73 cents); Survey No.278/1B (part) – 3218 sq.mtrs. (acre 0.79 ½ cents) out of total extent of 0.60.5 hectare (acre 1.49 cents); and survey No.278/1C1 (part) – 2682 sq.mtrs. (acre 0.66 ½ cents) out of total extent of 0.28.0 hectare (acre 0.70 cents) situated at No.98, Naalur-II Village, Ponneri Taluk, Tiruvallur District, which is under acquisition, strictly as per Sections 26 to 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and determine the compensation.

For Petitioners : Mr.V.Raghavachari
for Mr.R.Munuswamy

For Respondents : Mr.V.Anandamurthy
Addl Government Pleader [R1 to R5]
Mr.M.Sivavarthanan [R6]

ORDER

The petitioners' property in Survey No.276/2A1A1(part) – 2265 sq.mtrs. (acre 0.56 cents) out of total extent of 0.29.7 hectare (acre 0.73 cents); Survey No.278/1B (part) – 3218 sq.mtrs. (acre 0.79 ½ cents) out of total extent of 0.60.5 hectare (acre 1.49 cents); and survey No.278/1C1 (part) – 2682 sq.mtrs. (acre 0.66 ½ cents) out of total extent of 0.28.0 hectare (acre 0.70 cents) situated at No.98, Naalur-II Village, Ponneri Taluk, Tiruvallur District, has been notified for acquisition under the provisions of the Tamil Nadu Highways Act, 2001. The only prayer made by the petitioners is that a compensation be fixed in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Mr.V.Anandamurthy, learned Government Advocate who has entered appearance for the respondents 1 to 5 made a statement on instructions that the land acquisition authority would only follow the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for determining the compensation. He also added that an award enquiry took place on 20.11.2020.

3. Now, the learned counsel for the petitioners would interject to make a statement that the property of the petitioners abets the main road, that it lies vacant, but still it is situated in a well developed locality where the adjoining properties are developed into layouts. The Land Acquisition Authority has fixed the value for the property abetting the main road at a reasonable cost, where the property of the petitioners was allocated much lower value when compared to other adjoining properties. Again there are instances where the value that the acquiring authority has fixed for the property abetting the main road is far less than the properties located in the interior area of the said locality.

4. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents. The learned Government Advocate has produced the copy of the proceeding of the third respondent dated 30.10.2020 addressed to the petitioner.

5. Without getting into the merits of the said statement, and inasmuch as no award has been passed yet, and since a communication is given that in the eventuality of the statement by the learned counsel for the petitioner

are true, there is a potential possibility for breeding fresh set of litigation, this Court deems it appropriate that the petitioners may be given an opportunity to present whatever materials he has to justify his stand as to the value of his property.

6. When the matter came up before this Court on 11.01.2021, this Court required Mr.V.Anandamurthy, learned Additional Government Pleader to obtain necessary instructions in this regard. Today, the learned Additional Government Pleader makes a statement that the petitioners are being given an opportunity of hearing, and the hearing itself is scheduled to take place today and necessary notices have been served on the petitioner. He also added that except these petitioners, award has been passed to others who are similarly placed.

7. The learned counsel for the petitioners agrees with the statement that the petitioners have been served with notices today.

8. Inasmuch as the Land Acquisition Authority chose to grant one more opportunity to the petitioners to voice their grievances, this Court considers it is an appreciable act. This Court now requires the Land

Acquisition Officer to apply his mind in determining the compensation payable to the petitioners and to pass an award within a period of twelve (12) weeks from the date of receipt of a copy of this order, however, subject to any time that may be lost in responsibilities assigned to the Land Acquisition Authority in connection with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021. Needless to mention that the Land Acquisition Officer may have to express his views on the materials if any provided by the petitioners.

9. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2021

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Index : Yes / No

Speaking Order / Non-speaking Order

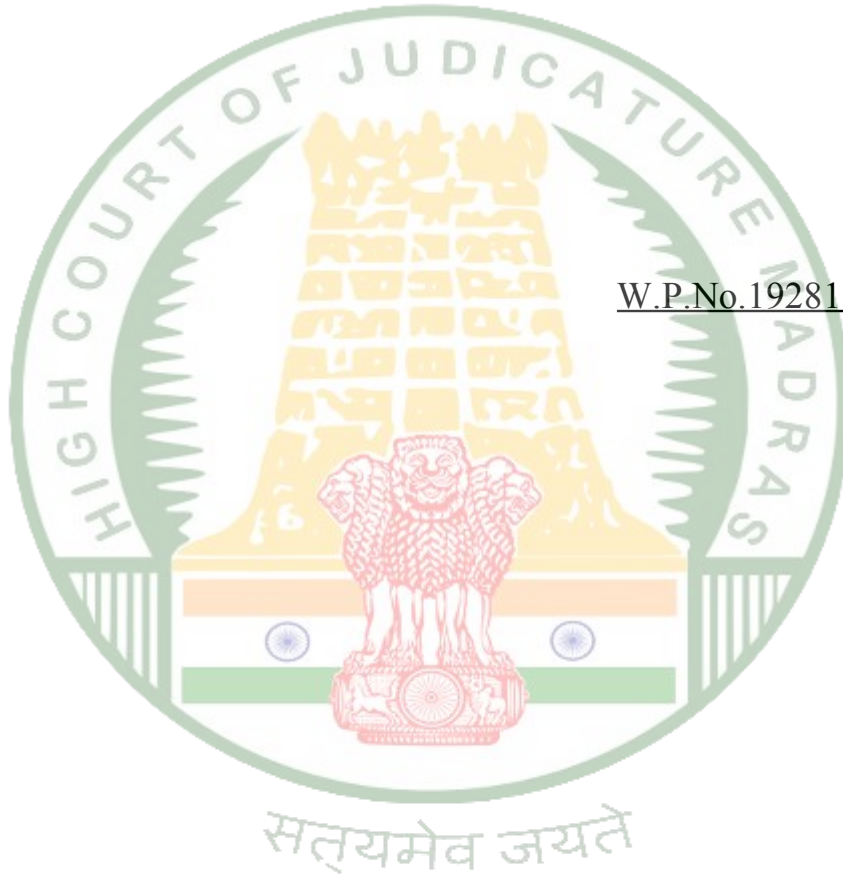
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To:

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