



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No.22487 of 2021

1.L.N.Maya
2.L.N.Rajesh
3.L.N.Navin

.. Petitioners

Versus

1. The State of Tamil Nadu
Represented by its Secretary,
Highways and Minor Ports (HN2)
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram.
3. The District Collector,
Chengalpattu.
4. The District Revenue Officer,
Chengalpattu.
5. The Special Tahsildar (LA),
Radial Road Scheme,
Tambaram,
Chennai - 600 045.

.. 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 for enhancement of compensation to the concerned Civil court under the Provisions of the Tamil Nadu Highways Act 2001 in respect of the petitioners acquired land situated at Thiruporur Village No.105, Chengelpet District comprised in Survey Nos.163/2, 163/3, 167/1A and 168 admeasuring 2.5 Acres and 101.17 square Meters acquired, based on the petitioner's representations dated 04.03.2021, 22.04.2021 and 31.7.2021.



For Petitioners : Mr. C.Seethapathy
For Respondents : Mr. V.Veluchamy
Government Advocate

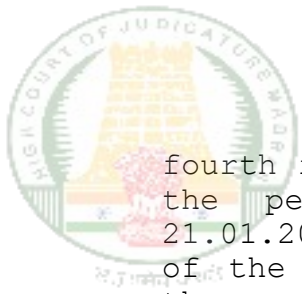
WEB COPY

O R D E R

This petition is filed for issuance of a writ of mandamus, directing the respondents to refer the matter for enhancement of compensation to the concerned Civil court under the Provisions of the Tamil Nadu Highways Act 2001, in respect of the petitioners' acquired land situated at Thiruporur Village No.105, Chengelpet District, comprised in Survey Nos.163/2, 163/3, 167/1A and 168 admeasuring 2.5 Acres and 101.17 square Meters acquired, based on the petitioner's representations dated 04.03.2021, 22.04.2021 and 31.07.2021.

2. The case of the petitioners is that they are the wife and children of the deceased Lalchand K Nichani, who purchased the agricultural lands by way of sale deed dated 15.05.1995 executed by Pushpavathy Ammal in respect of S.No.163/2 of an extent of 1.82 acres and for S.No.163/3 of an extent of 1.15 acres bearing documents No.P.283 of Book No.1 of 1995 registered in the Office of the Sub Registrar of Thiruporur; sale deed dated 15.05.1995 executed by Buchi Babu Naidu in respect of S.No.168 of an extent of 3.73 acres, bearing Document No.P.284 of 1995 of Book No.1 registered in the Office of the Sub Registrar of Thiruporur and S.No.167/1A of an extent of 1.63 acres, bearing Document No.P.285 of Book No.1 registered in the Office of the Sub Registrar of Thiruporur. It is stated by the petitioners that after the purchase of aforesaid lands, it were used for cultivating purposes for some years. Later the said properties were converted into "Residential Use Zone" and joint patta was issued for S.Nos.163/2, 163/3 and 167/1A, vide Joint Patta No.123.

3. It is further stated that during the year 2008, the local authorities started marking lines on the above said lands for the purpose of proposed acquisition without even giving formal notice to the petitioners. On 24.04.2009, notice was issued under Section 15(2) of the Tamil Nadu Highways Act, 2001, informing that lands admeasuring 2.5 Acres and 101.17 sq. m. in Survey Nos.163/2, 163/3, 167/1A and 168 was proposed to be acquired for the purpose of formation of six lane road as IT corridor expressway at Thiruporur Village Nos.105, Chengelpet Taluk, Kancheepuram District and asked the landowners to give their objections before the second respondent. After a period of four years, on 12.10.2014, the fourth respondent issued notice under Section 16(2) of Tamil Nadu Highways Act, 2001, directing the land owners to surrender or deliver possession of the properties within 30 days. It is stated that the second respondent through the



fourth respondent had issued notice of enquiry and called upon the petitioners to appear before DRO, Kancheepuram on 21.01.2016 to determine the compensation for the acquisition of the lands. The petitioners appeared on 21.01.2016 before the second respondent and indicated them to pay Rs.12,000/- per sq.m. as fair compensation. Since then there was no response from the respondents 2 to 4 and the petitioners were not informed about the status of acquisition proceedings. It is stated that on 25.02.2020, the second respondent through third and fourth respondent had issued notice and called upon the petitioners to appear before DRO, Chengalpattu to fix the value of acquired land and to determine compensation. The petitioners appeared before the third respondent and indicated to pay a fair compensation. It is seen that the respondents did not agree to pay the fair compensation and informed the petitioners that they will give compensation only at the rate of determined by them.

4. On 01.03.2021, by award dated 10.02.2020, the compensation for the acquired lands was fixed at Rs.370.65/- per sq.m. Aggrieved by the award, the petitioners sent three letters to the third respondent requesting to refer the matter to civil Court for enhancement of the award. On receipt of the letters, the third respondent has forwarded the representations to the fourth and fifth respondent to take appropriate action. Since there was inaction on the part of the respondents, left with no other alternative remedy, the petitioners approached this Court by way of filing this writ petition.

5. Learned counsel for the petitioner submitted that the petitioners have been put to great hardship as the respondents have delayed the acquisition proceedings for over 12 years and have arbitrarily determined the amount to be paid as compensation. He further submitted that despite three representations sent to the respondents dated 04.03.2021, 22.04.2021 and 31.07.2021, no action was taken so far to refer the matter to the competent civil Court. Hence, he prays to direct the respondents to refer the matter for enhancement of compensation to the concerned civil Court.

6. Learned Government Advocate appearing for the respondents conceded the request of the learned counsel for the petitioner. He submitted that this Court may direct the respondents to refer the matter to concerned Civil Court.

7. Considering the facts and circumstances of the case, this Court directs the fifth respondent to refer the matter to the third respondent and the third respondent to consider the petitioners' representations dated 04.03.2021, 22.04.2021 and 31.07.2021, and dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and refer the matter to the competent Civil Court.



8. With the above directions, this writ petition is disposed of. No costs.

WEB COPY

//True Copy//

Sd/-

Assistant Registrar (CCC)

Sub Assistant Registrar

bkn

To

1.The Secretary,
Highways and Minor Ports (HN2)
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Kancheepuram.

3.The District Collector,
Chengalpattu.

4.The District Revenue Officer,
Chengalpattu.

5.The Special Tahsildar (LA),
Radial Road Scheme,
Tambaram,
Chennai - 600 045.

+1cc to Mr.C.Seethapathy, Advocate SR. No.54478

+1cc to Government Pleader SR. No.55091

W.P. No.22487 of 2021

GPL (CO)

PR (23/12/2021)