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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23036 of 2021
and W.M.P.No.24227 of 2021

J.Nagappa Jaganathan

...Petitioner

-Vs-

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar,
Land Acquisition,
Mamallapuram, Puducherry 323A,
16, Varatharajan Street,
Vedachalam Nagar,
Chengalpattu.
3. The National Highways Authority of India,
Represented by Consultant Mr.Sivaraman,
Govindarajan Street,
Tambaram West,
Chennai - 600 045.
4. The Village Administrative Officer,
Pooncherri Village.

...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 herein or their men, agents or servants or any one acting on their behalf from taking any forcible possession of the property at Door No.52, Survey No.79/1A2B, East Coast Road, Pooncharri Village, Mamallapuram, Kancheepuram, Tamil Nadu - 603 104 either under alleged acquisition proceedings or in any manner whatsoever except by following procedures as prescribed under law.



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For Petitioner : Mr.C.Umashankar

For R1, R2 and
R4

: Mr.A.Selvendran
Special Government Pleader.

For R3 : Mr.Su.Srinivasan

ORDER

This writ petition has been filed for direction, directing the respondent forbearing them from taking any forcible possession of the property at Door No.52, Survey No.79/1A2B, East Coast Road, Pooncharri Village, Mamallapuram, Kancheepuram, Tamil Nadu - 603 104.

2. Heard Mr.C.Umashankar, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1, 2 and 4 and Mr.Su.Srinivasan, learned counsel appearing for the third respondent.

3. The case of the petitioner is that the petitioner is running a registered sculpture center in the name of M/s. Nagappa Arts and Handicrafts in the subject property. While being so, the respondents 2 and 4, informed the petitioner's brother that they are going to acquire the subject property for widening the road by National Highways Authority of India.

4. However, the petitioner was not served any notice and the respondents did not follow any procedure as contemplated under the Land Acquisition Act, 1894. However, the second respondent informed that already the land acquisition proceedings has been initiated and the award was also passed on 24.06.2021. The award amount to the sum of Rs.44,48,847/- (Rupees Four Lakhs Forty Eight Thousand Eight Hundred and Forty Seven only) has been deposited before the competent authority.

5. Thereafter, on the representation dated 15.11.2021, submitted by the petitioner, authorized his brother to submit all the documents which are required by the second respondent to disburse the compensation.

6. The competent authority - cum - Special District Revenue Officer for land acquisition Mamallapuram to Puducherry Road scheme, Chengalpet, issued summon to the petitioner to



submit the required documents for disbursal of compensation as deposited by the requisition body.

7. Accordingly, the petitioner is directed to submit all the required documents before the competent authority - cum - Special District Revenue Officer, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the competent authority is directed to disburse the compensation to the petitioner.

8. On receipt of the same, the petitioner is at liberty to make a claim for enhancement of compensation before the first respondent in the manner known to law as contemplated under Section 3G (5) of the National Highways Act, 1956, within a period of four weeks thereafter.

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

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar,
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16, Varatharajan Street,
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3. The National Highways Authority of India,
Represented by Consultant Mr.Sivaraman,
Govindarajan Street,
Tambaram West,
Chennai - 600 045.



4. The Village Administrative Officer,
Pooncherri Village.

+1 CC to Mr.C.Umashankar, Advocate sr 60411
+1 CC to The Government Pleader sr 61546.

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PM(CO)
SP(02/12/2021)