



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.25781 OF 2021

AND

W.M.P.NO.27237 OF 2021

1. Nadira

2. Harris Abdulla

... Petitioners

Vs

1. The District Collector,  
Kanchipuram District.

2. The District Collector,  
Chengalpet District.

3. The Special Tahsildar (Land Acquisition)  
Radial Road Scheme,  
Tambaram.

4. The Special Tahsildar (LA)  
Information Technology Express Highway Project,  
Tambaram.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refer Award No.12/2011 dated 15.09.2011 to the Civil Court for determining the amount under Section 20 of Tamil Nadu Highways Act, 2011 in accordance with the petitioners' representations vide letters dated 25.11.2011 & 23.03.2021 to the respondents.

For Petitioners : Mr.Surya Senthil  
for M/s.Surana and Surana

For Respondents : Mr.C.Kathiravan  
Special Government Pleader



## ORDER

This writ petition is filed to issue a Writ of Mandamus, directing the respondents to refer Award No.12 of 2011, dated 15.09.2011 to the Civil Court for determining the amount under Section 20 of Tamil Nadu Highways Act, 2011, in accordance with the petitioners' representations, vide letters dated 25.11.2011 & 23.03.2021 to the respondents.

2. The land comprised in S.No.173/5A2, ad-measuring an extent of 1 acre situated at 155, Paiyanur Village, Old Mahabalipuram Road, Tambaram Taluk, Kanchipuram District is owned by the petitioner. While that being so, on 04.01.2010 a paper publication was made to acquire the subject land for the purpose of widening of six way road in Old Mahabalipuram Road. Thereafter, they were informed that the subject properties were acquired by the District Collector of Kanchipuram, by the Notification dated 10.12.2009 for widening/broadening of Old Mahabalipuram Road at Paiyanur Village. Thereafter, the first respondent, on 15.09.2011 passed an award in Award No.12 of 2011. The compensation payable to the petitioners for their land was Rs.2,465.00 per sq.mtrs and accordingly, the first respondent awarded a sum of Rs.24,60,237.00 as compensation. However, the petitioner made a representation objecting the said award on 25.11.2011 to the first respondent. In the said letter, the petitioners have requested the first respondent to refer Award No.12 of 2011 dated 15.09.2011 before the Civil Court for determining the value of their lands for enhancement of compensation. However, thereafter, there was no reply from the first and third respondents herein. However, no reference was made as against the award passed in respect of the petitioners' lands. Therefore, the petitioners have also filed a Civil Miscellaneous Petition before the Subordinate Court, Chengalpet and they were directed to file a petition for enhancement of award amount. Already L.A.O.P. Nos.1 & 2 of 2012 and L.A.O.P. Nos.1,3,4 and 5 of 2013 are pending before the Subordinate Court, Chengalpet. However, on the request of the petitioners' objections, no reference was made and as such, the petitioners sought for information under the Right to Information Act. Thereafter, the petitioner also filed a Writ Petition before this Court in W.P.No.34192 of 2019 and this Court, by order dated 01.03.2021, directed the first and third respondents herein to serve a copy of the award dated 15.09.2011 in Award No.12 of 2011. Only thereafter, the petitioners were served with a copy of the award. On receipt of the same, the petitioners sought for information with regard to the reference made under Section 20 of the Tamil Nadu Highways Act, 2011 for enhancement of compensation passed in Award No.12 of 2011, dated 15.09.2011. However, no information was furnished to the petitioners with regard to the reference of the award for enhancement. Finally,



on 03.09.2021, the petitioners made request for reference to the Civil Court for enhancement of compensation amount and it is pending till today.

3. On a perusal of the above documents, it is seen that the petitioners even before passing the award, continuously raised objections and even after award was passed, they had sent so many representations by way of objections to the award and finally, as directed by this Court, by order dated 01.03.2021 in the said Writ Petition, the petitioners were served with a copy of the award. That apart, the first and third respondents failed to furnish any information with regard to the reference of the award passed in Award No.12 of 2011, dated 15.09.2011 in respect of the petitioners' land.

4. Considering the above facts and circumstances, the second respondent is directed to refer the award in Award No.12 of 2011, dated 15.09.2011 before the Civil Court for determining the value of the lands within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Kanchipuram District.
2. The District Collector,  
Chengalpet District.
3. The Special Tahsildar (Land Acquisition)  
Radial Road Scheme,  
Tambaram.
4. The Special Tahsildar (LA)  
Information Technology Express Highway Project,  
Tambaram.

+lcc to M/s.Surana and Surana, Advocate, S.R.No.64932

+lcc to the Government Pleader, S.R.No.64824

W.P.No.25781 of 2021

PVS (CO)

RLP (22/12/2021)