



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.11.2021

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WEB COPY

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.14769 of 2017

N.Suyambu

... Petitioner

Vs

1.The Project Director,
National Highways Authority of India,
T.P.34, South Phase,
Sri Tower 3rd Floor,
Industrial Estate,
Guindy,
Chennai - 600 032

2.The District Collector,
Kancheepuram District,
Kancheepuram

3.The Special District Revenue Officer cum
Land Acquisition Officer(National Highways),
Kancheepuram District,
Kancheepuram

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus under Article 226 of the Constitution of India to direct the respondents 1 to 3 to initiate proceedings for fixing compensation at the market value as per the provisions i.e. sections 26, 27, 28, 30 & 69 of the new Act 30/2013 and complete such proceedings within a certain period and pay the compensation to the petitioner immediately.

For Petitioner : Mr.Madhuri Donti Reddy

For Respondents

For R1 : M/s.S.R.Sumathy

For R2 & 3 : Mr.Richardson Wilson,
Government Advocate



ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents 1 to 3 to initiate proceedings for fixing compensation at the market value as per the provisions i.e. sections 26, 27, 28, 30 & 69 of the new Act 30/2013 and complete such proceedings within a certain period and pay the compensation to the petitioner immediately.

2.The petitioner owned property comprised in survey Nos.291/1 and 291/3 and he was issued patta in patta No.571, plot No.73 to an extent of one ground 788 sq.ft. The petitioner was informed by his neighbours that alignment of proposed road is running adjacent to his plot and the neighbouring plots. Therefore, he approached the Special Tahsildar(Land Acquisition), National Highways Department and requested the status of his plot and the proposed road. However, he was informed that the subject land was not included in the acquisition proceedings for the proposed road. On inspection, he found that his plot was encroached and utilised by the first respondent for laying bye pass road. The petitioner was not served with any acquisition proceedings as contemplated under the National Highways Act, 1956. Therefore, he filed petition in WP.No.19343 of 2012 and this Court recorded that the grievance of the petitioner is only initiating action for payment of compensation and nothing further survives for consideration and closed. Thereafter, the petitioner asked for copies of the acquisition proceedings and the same was not considered by the respondents. Therefore, again the petitioner filed writ petition before this Court in WP.No.33696 of 2016 and sought for copies of the acquisition proceedings. However, the writ petition was closed by giving liberty to challenge the award passed under the Land Acquisition Act, 1894 and file fresh writ petition to fix compensation under the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The first respondent filed counter and revealed that while laying Chennai bye pass road, portion of the land admeasuring 180 sq.ft. of land comprised in survey No.291/3, Anagaputhur Village was occupied by the National Highways Authorities of India which was missed in the original notification. Therefore, fresh notification under Section 3A(1) of the National Highways Act was published in the Gazette of India in Gazatte No.706 dated 22.03.2013. Section 3D(1) notification of the said Act has been published in Gazatte No.2269 dated 30.09.2013. Thereafter, award was passed in Rc.No.51/2010/NH/A3 dated 17.03.2014 for amount of compensation at Rs.9,91,082/-. The petitioner was asked to produce relevant documents for payment of compensation. The compensation amount



is already approved and disbursement of compensation in favour of the petitioner is pending for production of necessary documents.

4. Therefore, the petitioner is directed to produce necessary documents before the third respondent and on verification, the third respondent is directed to disburse the compensation amount passed in Award Rc.No.51/2010/NH/A3 dated 17.03.2014 to the petitioner within a period of two weeks from the date of production of records. If the petitioner is aggrieved by the determination of compensation for the subject land, the petitioner is at liberty to make an application to re-determine the value of the property before the Arbitrator as contemplated under Section 3G(5) of the National Highways Act, 1956 within a period of two weeks thereafter. On receipt of the application, the Arbitrator is directed to consider the same and pass orders in accordance with law.

5. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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PMK(CO)

A.SK(03.12.2021)