



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.NO.33978 OF 2019

R.K.Textiles (India)
Represented by its Partner
Ajay Aggarwal

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District.

2.The Special Tashildar,
IT Expressway Schemes,
Taluk Office Building,
Tambaram.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to pay compensation as per award No.10/2006 dated 30.04.2006, along with applicable interest in respect of the lands acquired from the petitioner in Survey No.114/5B, situated at Old Mahapalipuram Road, Okkiam Thoraipakkam Village, Shollinganallur Taluk (previously Tambaram Taluk), Kancheepuram District.

For Petitioner : Mr.R.Saravanakumar

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the respondents to pay compensation as per Award No.10/2006 dated 30.04.2006 along with applicable interest in respect of the lands acquired from the petitioner in S.No.114/5B situated at Old Mahapalipuram Road, Okkiyam Thoraipakkam Village,



Shollinganallur Taluk (previously Tambaram Taluk), Kancheepuram District.

2.The case of the petitioner is that he is the owner of the land situated at Okkiam Thoraipakkam Village comprised in S.No.114/5B measuring to an extent of 329 Sq. meters, the said land was acquired by the respondents for the formation of six lane in the existing Old Mahabalipuram road under the Tamil Nadu Act, 34/2002 and an Award was passed by the first respondent on 30.04.2006 in Award No.10/2006.

3.The petitioner submits that though the Award has been passed on 30.04.2006 for the payment of compensation till date the amount has not been disbursed to him from the year 2011, the petitioner has been making request for disbursing the amount of compensation in spite of representations dated 19.12.2017 and 22.01.2018 sent to the respondents requesting them to take necessary action for the payment of compensation.

4.The petitioner further submits that the second respondent after thorough enquiry and on verification of land acquisition records, the District, Collector vide his dated 23.11.2016 made in Na.Ka.25/2016/A recommended for the disbursement of compensation as per the Award to the petitioner in spite of the recommendations, till date no amount has been disbursed to the petitioner.

5.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

6.The learned Government Advocate for the respondents further submits that the land measuring to an extent of 00207 sq. meters in S.No.114.2B, 00065 Sq.meters in S.No.114/3B and 00329 Sq.meters in S.No.114/5B registered in the name of Tvl. R.K.Textiles (India) vide Patta No.3542 and notice under Section 19(5) and 19(7) of the Highways Act was issued and directed the petitioner to appear before the District Collector, Kancheepuram for the enquiry. Thiru V.K.Seshadri, Manager attended the award enquiry on behalf of the above company and gave a statement.

7.The learned Government Advocate for the respondents further submits that the land value has been fixed at Rs.234/- per square feet was fixed as compensation after taking into consideration of the sales took place preceding one year prior to the date of 15(2) notification and hence, the request of the petitioner to fix Rs.2,100/- per Sq.ft. is rejected.

8.According to the learned Government Advocate, the enquiry and the field inspection reveals that there is a dispute between



R.K.Textiles and one Mrs.Suseela Devi owner of the adjacent field (S.No.114/6A) regarding the actual extent and enjoyment in S.No.114/5B, the compensation amount has already paid to the petitioner, in S.No.114/5B will be kept in Revenue Deposit (Not bearing interest) and it will be paid after finalizing the dispute in respect of the actual ownership.

9.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

10.On perusal of the typed set of papers, it is seen that the Authorities also directed the petitioner to approach them along with the proper documents to prove that there is no dispute regarding the said land. The petitioner submitted that he had been issued with Patta regarding the said land and since there is no civil dispute pending before any Court.

11.In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the Authorities to conduct an enquiry and pass appropriate orders as per award No.10/2006 dated 30.04.2006 and on the basis of the documents which will be produced by the petitioner and within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba/pam

To

1. The District Collector,
Kancheepuram District.
2. The Special Tashildar,
IT Expressway Schemes,
Taluk Office Building, Tambaram.

+1cc to Mr.E.Veda Bagath Singh, Advocate, S.R.No.48339

W.P.No.33978 of 2019

RSI (CO)
PM/13/12/2021