

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

coram:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

WP.No.34192 of 2019
& WMP No.34824 of 2019

1.Mrs.Nadira
2.Mr.Harris Abdulla ...Petitioners

-Vs-

1.The District Collector,
Kanchipuram District.
2.The Special Tahsildar(Land Acquisition),
Radial Road Scheme, Tambaram. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to furnish a copy of the Award in Award no.12/2011 dated 15.09.2011 and refer the said Award to the court for determining the amount under Section 20 of Tamilnadu Highways Act, 2011 in accordance with the petitioner's representation dated 25.11.2011 to the first respondent and pass appropriate orders within a time stipulated by this Court.

For Petitioner : Mr.G.Kalyan Jhabakh assisted by
Mr.Prashant Alai.

For Respondents : Mr.D.Raja, AGP for R1 & 2

ORDER

The present petition is filed by the petitioner seeking a direction to the respondents to furnish a copy of the Award in Award no.12/2011 dated 15.09.2011 and refer the said Award to the Court for determining the amount under Section 20 of Tamilnadu Highways Act, 2011 in accordance with the petitioner's representation dated 25.11.2011 to the first respondent and pass appropriate orders within the time stipulated by this Court.

2.Heard both sides.

3.It is one of the very unfortunate cases that has reached this Court only due to the object callousness of the Land Acquisition Authority, who is either ignorant of the provisions of the Land Acquisition Act which mandates serving a copy of the Award passed, or negligent in discharging his statutory responsibility.

4.The petitioner's land has been acquired under the provisions of the Tamilnadu Highways Act 2001, concerning which an Award in no.12/2011 dated 15.09.2011 was passed, but the copy of the Award was not even served for close to a decade now. There are possible financial implications for this default will necessarily delay the time for making reference under Section 20 of the Act, and in the eventuality of the refferal Court deciding to enhance compensation, the interest payable would be much higher than the market rate of interest. But those who manage public affairs in the State appear to completely ignore the financial -implications-angle which default might bring in.

5.Now, Mr.D.Raja, learned Additional Government Pleader made a statement that the Award copy can be served on the petitioner if he appears before the authority.

6. The petitioner may choose a moment of his choice commencing now to appear before the Land Acquisition Authority for the purpose.

7.The Writ Petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

8.Post the matter ''for reporting compliance'' on 03.03.2021.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kanchipuram District.

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

W.P.No.34192 of 2019

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A.SK(09.03.2021)