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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Cont.P.Nos. 309 & 321 of 2022

And

Sub Applications (OS).No. 82 of 2022

Mrs. M.Geetha,
No.8, Eswar Nagar,
Molasur, Sunguvarchatram 602 106

.... Petitioner/Petitioner in Cont.P.No. 309/2022

Mrs. T.Uma Maheswari,
No.8, Eswar Nagar,
Molasur, Sunguvarchatram 602 106

.... Petitioner/Petitioner in Cont.P.No. 321/2022

Vs

Mr.Mohan
Special Tahsildar
(Land Acquisition)
National Highways, Bangalore-Chennai Fast Road Scheme
Unit-III, no.15, Visalakshi Nagar
Sevilimedu, Kancheepuram – 631 502.

... Respondent/2nd Respondent in both Cont.Ps.

PRAYER IN CONT.P.No. 309 of 2022: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent herein according to law for deliberately disobedience of the order passed by this Hon'ble Court in W.P.No. 17093 of 2021 dated 17.08.2021 after receipt of petitioner's Letter on 24.09.2021.

PRAYER IN CONT.P.No. 321 of 2022: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent herein according to law for deliberately disobedience of the order passed by



this Hon'ble Court in W.P.No. 17096 of 2021 dated 17.08.2021 after receipt of petitioner's Letter on 24.09.2021.

For Petitioner in
both Cont.Ps. : B.Kaarvannan
For Respondent in
both Cont.Ps. : Mr.V.Jeevagiritharan
Additional Government Pleader

COMMON ORDER

Two Writ Petitions had come up for consideration on 17.08.2021, namely, W.P.Nos. 17093 & 17096 of 2021. The reliefs sought in the said Writ Petitions were as follows:-

“PRAYER IN W.P.No. 17093/2021:

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 2nd respondent to settle the award amount of compensation to the land acquired by them as on date to an extent, of 2420 sq.ft., in Farm plot No.21B, comprised in survey No.57, situated in No.121, Podavur Village, Sriperumbudur Taluk, Kancheepuram District and 40 Nos six months teak plants Farm name Sri Devi Teak Garden having purchased the same through registered sale deed dated 30.07.2010 vide Doc.No.7155/2010 in the office of the Sub Registrar, Sriperumbudur to double the present market value of the property with 24% interest per annum from the date of acquisition to till the date of settlement of the entire payment along with penalty for the delay in payment on the representation dated 20.06.2021.



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PRAYER IN W.P.No. 17096/2021:

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 2nd respondent to settle the award amount of compensation to the land acquired by them as on date to an extent, of 2412 sq.ft., in Farm plot No.21A, comprised in survey No.57, situated in No.121, Podavur Village, Sriperumbudur Taluk, Kancheepuram District and 40 Nos six months teak plants Farm name Sri Devi Teak Garden having purchased the same through registered sale deed dated 30.07.2010 vide Doc.No.7154/2010 in the office of the Sub Registrar, Sriperumbudur to double the present market value of the property with 24% interest per annum from the date of acquisition to till the date of settlement of the entire payment along with penalty for the delay in payment on the representation dated 20.06.2021.”

2. After hearing both the learned counsel for the petitioner and also the learned Government counsel, the following order was passed by this Court:-

“After having heard the learned counsel for the petitioners and also the learned Government Advocate appearing for the 2nd respondent and also Ms.P.J.Anitha, learned counsel for the 1st respondent, a direction is given to the petitioners herein to approach the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and inform him in advance, produce their Title Documents with respect to the lands which had been



petitioners, and in pursuant to the same, this respondent is submitting the following details for the kind perusal of this Hon'ble Court.

(i) It is submitted that in the main award passed in Award RC No. 273/2017/BCE/NH, dated 27.04.2018, which is the subject matter of the above writ petitioners, the lands held by the petitioners, were not covered and as per the aforesaid award, the compensation was paid to the respective land owners for the lands acquired from them as detailed below.

Award RC.No. 273/2017/BCE/NH, Dated: 27.04.2018.

Sl.No.	Before Sub-division	After Sub-division	Extent Acquired (in Sq.mtr.)	Name of the land owner	Compensation given (in Rs.)
1.	57/1A1A Pt	57/141	839	Tmt.Beaula John	4949882
2.	57/1A1A Pt	57/142	1000		5899741
3.	57/1A1A Pt	57/149	1000	S.Ashokkumar S/o Santhilal Jain	5899741
4.	57/1A1A Pt	57/155	110	S.Manimegalai W/o. Stalin	648971
5.	57/1A1A Pt	57/156	178	A.Kalaiselvi W/o. Ambigapathy	1050154
6.	57/1A1A Pt	57/157	223	A.Kalaiselvi W/o. Ambigapathy	1315642
7.	57/1A1A Pt	57/150	222	D.Priyanka D/o. Dananjeyan	1309742
8.	57/1A1A Pt	57/37	200	Venkatesalu S/o. Munusamy	1179948
9.	57/1A1A Pt	57/162	4090	Ramkumar Kommineni	24129939



(ii) *As regards the petitioners lands are concerned, the notification under Sec. 3A(3) of the National Highways Act 1956 was published only on 05.02.2022 for the acquisition of a total extent of 28107 sq.mtrs., of land in Podavur Village, Sriperumbudur Taluk, Kancheepuram District inclusive of an extent of 22083 sq.mts., in S.No. 57/1A1A1A2 of the aforesaid village and the aforesaid extent of 22083 sq.mtrs., is inclusive of the extents of 2420 sq.ft., and 2412 sq.ft., in the land in S.No. 57 owned by the petitioners. It is submitted that consequent on the publication of the notification under Sec.3A(3) of the National Highways Act 1956, action has already been initiated for the publication of Notification under Section 3D(1) in the Government Gazettee in which the names of land owners will be indicated and upon publication of the same, further action will be pursued to conduct award enquiry with the interested person/land owners which will be followed by pronouncement of award and payment of compensation for the lands acquired. It is thus humbly submitted that the lands owned by the petitioners have been included in the total extent of 22083 sq.mtrs., in S.No.57/1A1A1A2 and notified for acquisition as per Section 3A(3) of the National Highways Act 1956, only on 05.02.2022.”*

4. A perusal of the aforementioned extracted portion reveals that the lands of the petitioners had actually not been acquired and therefore, the Writ Petitions have been based on a fact which according to the respondent had not been done namely acquisition of lands. Therefore, there cannot be any issue of payment of compensation. However, the acquisition of the lands of the petitioners has now been initiated by notification being published on



WEB COPY 5. In view of these circumstances, these Contempt Petitions are closed.

6. If the writ petitioners have any grievance, they can initiate any appropriate proceedings in the manner known to law questioning such notification, if they are so advised. Consequently, connected Sub Application is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

vsg

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/02/06/2022

To

The Special Tahsildar
(Land Acquisition)
National Highways, Bangalore-Chennai Fast Road Scheme
Unit-III, no.15, Visalakshi Nagar
Sevilimedu, Kancheepuram – 631 502.