



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4922 of 2022 and
W.M.P.No.5072 of 2022

1. M/s.Chith Warehouse Private Limited
Represented by its Managing Director,
Dr.Arun B.Chitharanjan
New Np/6, Old No.48, Bhakthavatsalam Road,
Mylapore,
Chennai - 600 004.

2. Dr.Arun B. Chitharanjan

...Petitioners

vs.

1. The Principal Secretary to Government
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Principal Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

3.The Additional Chief Secretary to Government cum
the Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

4. The District Collector,
Thiruvallur District.

5. The District Revenue Officer (LA),
Outer Ring Road Projects, CMDA,
Koyambedu, Chennai - 600 092.

6. The Special Tahsildar (L.A),
Chennai Outer Ring Road (Project - 1)
Nazarathpet Village,
@ Koyambedu,
Chennai - 600 092.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to determine the compensation as per Section 26 of RFCTLARR Act 2013 and to pass Final Award providing 100% Solatium and 12% additional amount by adopting multiplier method as per First Schedule and other benefits set out in the Second Schedule to the RFCTLARR Act 2013 together with interest pertaining to the lands acquired from the petitioners and damages caused therein, comprised in S.Nos.21/10, 21/1B2 & 21/1D2, situate at Nazarathpet Village, Poonamallee Taluk, Thiruvallur District in pursuance of the interim Award dated 04.03.2016 vide Na.Ka.No. 3/2013/Ch.U.R.Road/Thiruvallur in Award No.2 of 2015 by considering the petitioner's representation dated 02.02.2022.

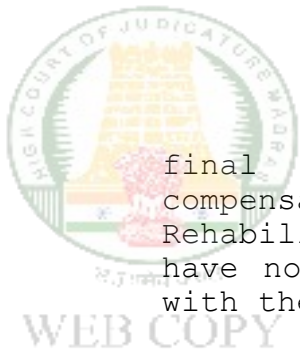
For Petitioners : Mr.R.Senthil

For Respondents : Mr.D.Tamilselvi
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus directing the respondents herein to determine the compensation as per Section 26 of RFCTLARR Act 2013 and to pass Final Award pertaining to the lands acquired from the petitioners and damages caused therein, comprised in S.Nos.21/10, 21/1B2 & 21/1D2, situate at Nazarathpet Village, Poonamallee Taluk, Thiruvallur District in pursuance of the interim Award dated 04.03.2016 vide Na.Ka.No. 3/2013/Ch.U.R.Road/Thiruvallur in Award No.2 of 2015 by considering the petitioners representation dated 02.02.2022.

2. The case of the petitioners is that the petitioners, being the owners of the lands in S.Nos.21/10, 21/1B2 & 21/1D2, had constructed the Warehouse buildings of an extent of 32,455 Sq.ft situated at above said Village. While so, the 5th respondent issued a notice to the petitioners under Section 15 (2) of the Tamil Nadu Highways Act, 2001, dated 31.05.2013 for the purpose of forming Chennai Outer Ring Road in Nazarathpet Village comprised in above said survey numbers. While so, the 5th respondent directed the petitioners to hand over the possession of the lands acquired, due to which, the petitioners handed over the above lands to the 6th respondent, vide letter dated 05.02.2015. Thereafter, the 5th respondent passed an interim Award dated 04.03.2016 in Award No.2 of 2015 fixing the market value of the land acquired from the petitioners as Rs.1,200/- per square meter. Against the same, the petitioners have made a representation dated 02.02.2022 to the respondents seeking for



final compensation as per Section 26 of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Since the respondents have not passed any final Award, the petitioners have come up with the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice if this Court issues direction to the respondents to consider the petitioners representation dated 02.02.2022 and pass orders on merits within a time frame that may be fixed by this Court.

4. The learned Additional Government Pleader for respondents has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioners' representation dated 02.02.2022 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioners within a period of twelve weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs. Connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rap/nhs

To

1. The Principal Secretary to Government
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Principal Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.



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3. The Additional Chief Secretary to Government cum
the Commissioner of Land Administration,
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Thiruvallur District.

5. The District Revenue Officer (LA),
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Nazarathpet Village,
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Chennai - 600 092.

+1cc to Mr.S.Senthil, Advocate, S.R.No.14975
+1cc to the Government Pleader, S.R.No.15843

W.P.No.4922 of 2022

MT (CO)
SB (07/04/2022)