



W.P.No.8950 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8950 of 2018

and

W.M.P.No.10804 of 2018

P.Ravi

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai-600 009.
2. The District Collector,
Tiruvallur District,
Tiruvallur-602 001.
3. The District Revenue Officer,
Tiruvallur District,
Land Acquisition Officer,
Tiruvallur-602001.
4. The Revenue Divisional Officer,
Ambattur Sub-Division,
Ambattur-600 053.
5. The Tahsildar,
Land Acquisition,
Maduravoyal-600 095.



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6. The Divisional Engineer,
(Highways),
Tiruvallur District,
Tiruvallur-602 001.

7. The Assistant Engineer,
(Highways),
Ambattur Sub-division,
Ambattur-600 053.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for connected records from the file of the 1st Respondent and quash the Government Order published vide G.O.Ms.No.59 dated 29.05.2014 and further quash entire proceedings of the 5th Respondent and the impugned order No.1/2017 vide Na.Ka.No. 4277/2014/B1, dated:14.12.2017 passed by the 5th Respondent and to direct the Respondents to make equitable acquisition and further compute compensation afresh having regard to the total compensation and other benefits payable as per Right to Fair compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.R.P.Murugan Raja, GA

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in respect of the order in G.O.Ms.No.59 dated 29.05.2014 and the proceedings



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of the 5th Respondent in respect of the order No.1/2017, vide Na.Ka.No.4277/2014/B1 dated 14.12.2017, quash the same and to consequently direct the respondents to compute compensation as per the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The case of the petitioner is that he claims to be the owner of the Grama Natham land and building comprised in Old S.No.383/1, New S.No.640/26B, measuring an extent of 945 sq.ft., situated at Alappakkam Village, Tiruvallur District and the same was settled in favour of the petitioner by his father, vide registered Doc.No.6373 of 2014 dated 18.09.2014 and subsequently patta in Patta No.347 was also issued in favour of the petitioner. Whiles, the petitioner's land was acquired under the Tamilnadu Highways Act, 2001 (in short 'Act') for the purpose of extension of the Alapakkam Main Road, despite the objection dated 20.01.2015 made by the petitioner and subsequently, Award also came to be passed in terms of Section 19(6) of the said Act and the same was communicated to the petitioner, vide order No.1/2017, vide Na.Ka.No. 4277/2014/B1 dated 14.12.2017. However, the compensation solatium was



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not given to the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (in short 'new Act'). Hence, the petitioner has filed this Writ petition challenging the proceedings dated 14.12.2017 and the Government order in G.O.Ms.No.59 Highways and Minor Ports (HF1) Department, dated 29.05.2014.

3. Though a larger relief has been sought for by the petitioner, however, the learned counsel for the petitioner fairly submitted that, during the pendency of the Writ petition, the new Act came into operation, and if the land is acquired under the respective Act, the compensation has to be paid only as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. Hence, he restricted the prayer and sought permission of this Court to make appropriate application before the 2nd respondent as per Section 20 of the said Act to refer the matter to the concerned civil court for enhancement of the compensation in terms of the New Act.

4. Learned Government Advocate appearing for the respondents fairly



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submitted that, the claims made by the petitioner is acceptable and the

Highways Department is ready to pay the compensation as per the New Act.

Further, the compensation amount will be paid to the 5th respondent after computation of the compensation as per the New Act by the respondents.

5. Heard learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner's land was acquired under the Tamil Nadu Highways Act, 2001, for the purpose of extension of the Alapakkam Main Road. However, the grievance of the petitioner is that, the Land Acquisition Officer has not awarded compensation in terms of the New Act for his land and they have assessed the same in terms of the Old Act. Further, during the pendency of the Writ petition, Act 30 of 2013 viz., New Act came into force and as per which, the compensation will have to be paid only in terms of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. In view of the above and in view of the paragraph 6 of the counter



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affidavit filed by the respondents, the prayer sought for in the present Writ petition has become infructuous, as no further order is necessary in the present petition, since, the Highways Department is ready to pay the compensation to the petitioner under the new Act.

8. Hence, this Court issues direction to the petitioner to make a representation before the 2nd respondent in terms of Section 20 of the said Act for payment of compensation as per the New Act and on receipt of the same, the 2nd respondent is directed to pay the compensation to the petitioner, if the petitioner fails to submit the representation, the 2nd respondent is directed to refer the matter to the competent civil court for enhancement of compensation in terms of section 20 of the said Act and the said exercise shall be completed within a period of twelve week from the date of receipt of a copy of this order.

9. With the above observations and directions, this Writ petition is disposed of. no costs. Consequently, connected Miscellaneous petition is closed.



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Speaking Order : Yes/ No
Index : Yes/ No

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M.DHANDAPANI, J.

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