

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.15404 of 2022

R.Selvadurai

...Petitioner

Vs.

1. District Revenue Officer,
Chennai Outer Ring Road,
CMDA., Koyambedu,
Chennai 600 092.

2. Special Tahsildar (Land Acquisition),
Chennai Outer Ring Road Scheme-I,
Poonamallee, Thookanampattu,
Chennai 600 056.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.03.2021 and refer the award proceedings Na.Ka.No.4/2013/Se.Vae.Va.Sa/Thiruvallur dated 10.08.2020 under Section 20(1) of the Tamil Nadu Highways Act, 2001 to the competent Civil Court.

For Petitioner : M/S.R.Subramanian

For Respondents: Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 17.03.2021 and refer the award proceedings Na.Ka.No.4/2013/Se.Vae.Va.Sa/Thiruvallur dated 10.08.2020 under Section 20(1) of the Tamil Nadu Highways Act, 2001 to the competent Civil Court.

2. The case of the petitioner is that the petitioner is the absolute owner of the land, having an extent of 229.5 sq.m, comprised in S.No.195/2A1, situated at Varadharajapuram Village, Poonamallee Taluk. On 29.01.2014, the petitioner's land along with the adjacent lands were acquired by the Highways

Authorities under Tamil Nadu Highways Act, 2001, for the purpose of laying roads. Further, the respondent initiated proceedings under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for payment of award amount. However, as the compensation amount determined by the Competent Authority is very meager, the same was received under protest. Being aggrieved by the compensation amount, the petitioner made an application dated 17.03.2021 before the second respondent, seeking to refer the matter to the Competent Civil Court under Section 20(1) of Tamil Nadu Highways Act, 2001 for determination of compensation as per the market value. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3.The learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the respondents to consider the petitioner's representation dated 17.03.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

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

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 17.03.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

jd

To

1. District Revenue Officer,
Chennai Outer Ring Road,
CMDA., Koyambedu, Chennai 600 092.

2. Special Tahsildar (Land Acquisition),
Chennai Outer Ring Road Scheme-I,
Poonamallee, Thookanampattu,
Chennai 600 056.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.38432

+1cc to the Government Pleader, S.R.No.38970

W.P. No.15404 of 2022

SR(CO)
RGA(11/07/2022)