



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.7746 of 2022

S. Ramprakash

...

Petitioner

Vs

- 1.The Secretary,
Highways and Small Ports Department,
Secretariat,
St.George Fort,
Chennai - 600 009.
- 2.The Chairman and Managing Director,
Tamil Nadu Road Development Company Ltd. (TNDRC),
No.171, II Floor, Tamil Nadu Maritime Board Building,
South Kesavaperumal Puram,
Pasumpon Muthuramanalingam Road,
Raja Annamalai Puram,
Chennai - 600 028.
- 3.The Commissioner,
Land Administration Department,
CLA, Ezhilagam, Chepauk,
Chennai - 600 005.
- 4.The District Collector,
District Collector Office,
G.S.T. Road,
Chengalpattu - 603 001.
- 5.The Special Deputy Collector (L.A),
I.T. Express Way Scheme,
Tahsildar Office,
Tambaram - 600 045.
- 6.The Special Deputy Tahsildar (L.A)
I.T. Express Way Scheme,
Tahsildar Office,
Tambaram - 600 045.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus,



directing the respondents to determine and pay the compensation with interest from the date of land acquisition on 20.11.2009 as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within the stipulated time.

For Petitioner : Mr.E.K.Kumaresan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to determine and pay the compensation with interest from the date of land acquisition on 20.11.2009 as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within the stipulated time.

2. Mr.V.Veluchamy, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the learned counsel appearing on either side, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that, the petitioner is the owner of the property. The petitioner purchased the property, to an extent of 4800 sq.ft. of land in Plot No.24, Thaiyur Village, Thirupporur Taluk, Chengalpattu District, by virtue of a registered sale deed dated 20.04.1967 vide Document No.484/1967. The 4th respondent initiated the land acquisition proceedings for widening the Old Mahapalipuram Road as Six Lane Road. The subject land was acquired by the National Highways. Thereafter, the 5th respondent issued notice to the petitioner under Section 15(2) of the Tamil Nadu Highways Act, 2001 for acquiring the land for the purpose of widening the road. The petitioner made objections and the second respondent, without sanctioning the compensation, started the work for widening the road. Therefore, the petitioner made a representation before the respondents on 11.01.2022 to determine and award compensation. However, till date no order has been passed on the same. Hence, the present writ petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the fifth respondent to consider the petitioner's application for determining the compensation with respect to the subject property and pass orders on the same within a particular time frame to be fixed by this Court.



5. The learned Government Advocate has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the fifth respondent to consider the petitioner's application dated 11.01.2022 to determine the compensation, after affording an opportunity of hearing to the petitioner, for ready reference, and to pass appropriate orders on merits and in accordance with law.

7. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Lpp/jd

To

1. The Secretary,
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+lcc to M/s.E.K.Kumaresan, Advocate, S.R.No.22191

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PL(CO)
SB(25/04/2022)