



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No10401 and 10403 of 2022
& W.M.P.No.10122 of 2022

1.Jalajamani
2.Dr.V.Srikala

...Petitioners (In W.P.No.10401 of 2022)

1.Jalajamani

...Petitioner (In W.P.No.10403 of 2022)

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Highways Department, Secretariat,
Fort St.George, Chennai-600 009.

2. The Collector,
Fourth Floor, M.SingaravelarMaaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai-600001.

3. The Special District Revenue Officer,
(Land Acquisition), Highways,
Metro Wing, Alandur,
Chennai-600016.

...Respondents (In both WP's)

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to refer the dispute pertaining to enhancement of compensation in respect of the acquisition of 35 sq.mts and 29 sq.mts. of petitioners property situated at S.No.91/59B and S.No.91/2A11, ECR, Neelankarai Village, Shollinganallur Taluk, Chennai respectively to the competent Civil Court as mandated under Section 20 of Tamilnadu State Highways Act, 2001.

For petitioners : Mr.Tanya Kapoor
(In Both WP's)

For Respondents : Mr.P.Sathish
(In Both WP's) Additional Government Pleader



COMMON ORDER

The petitioner has filed this petition seeking direction to the 2nd and 3rd respondents to refer the dispute pertaining to enhancement of compensation in respect of the acquisition of 35 sq.mts and 29 sq.mts. of petitioners property situated at S.No.91/59B and S.No.91/2A11, ECR, Neelankarai Village, Shollinganallur Taluk, Chennai respectively to the competent Civil Court as mandated under Section 20 of Tamilnadu State Highways Act, 2001.

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

3. The case of the petitioners is that the petitioners lands were acquired by the respondents under the Tamil Nadu Highways Act, 2001 for the purpose of expansion of roads. After the completion of the acquisition proceedings, the third respondent had passed an award dated 31.08.2021, in favour of the petitioners fixing the compensation amount under Section 19 of the Tamil Nadu State Highways Act, 2001. However, the petitioner have received the above said compensation amount and being not satisfied by the amount determined by the authorities, the petitioners have made a representation dated 12.02.2022 and 04.03.2022 before the second and third respondents to refer the matter to the competent Civil Court. However, till date no action has been taken by the second and third respondents on the representations made by the petitioners. Hence, the present Writ Petitions have been filed by the petitioners for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second and third respondents to consider the petitioners representation dated 12.02.2022 and 04.03.2022 within the time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents submits that the petitioners representation dated 12.02.2022 and 04.03.2022 will be considered by the second and third respondents within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the second and third respondents to consider the petitioner's representation dated 12.02.2022 and 04.03.2022, and pass



appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Highways Department, Secretariat,
Fort St.George, Chennai-600 009.

2.The Collector,
Fourth Floor, M.SingaravelarMaaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai-600 001.

3.The Special District Revenue Officer,
(Land Acquisition), Highways,
Metro Wing, Alandur,
Chennai-600 016.

+2ccs to Mr.Tanya Kapoor, Advocate SR. Nos. 29590, 29591
+1cc to Government Pleader SR. No. 30911

W.P.No10401 and 10403 of 2022

W.M.P.No.10122 of 2022

RK (CO)

PR (20/05/2022)