



W.P.No.43476 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.43476 of 2016

And

W.M.P.No.37320 of 2016

A.Sumitha

... Petitioner

Vs.

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

2.The District Collector,
Office of the Collectorate,
Kanchipuram – 631 001.

3.The Special Tahsildar (L.A)
Orakadam Industrial Park Road,
Infrastructure Scheme,
Ramanuja Nagar,
Near Bus Stand,
Sriperumbudur – 602 105.

4.The Managing Director,
SIPCOT, Door No.19A,
Rukmani Lakshmipathy Salai,
Egmore,
Chennai – 600 008.

... Respondents



W.P.No.43476 of 2016

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus by calling for the records of the third respondent relating to the passing of the impugned order dated 19.11.2015 in Reference Na.Ka.No.20/2010/aa quash the same and consequentially to direct the third respondent to the Award No.8 of 2011 dated 12.08.2011 to the civil court for adjudication regarding enhancement of the compensation in respect of land acquired in Survey No.496/6J measuring an extent of 200 sq.mts. situated in Pondhur Village, Sriperumbudur Taluk and Kanchipuram District.

For Petitioner : Mr.S.Muthukumar
For Respondents : Mr.K.M.D.Muhilan for R1 to R3
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus by calling for the records of the third respondent relating to the passing of the impugned order dated 19.11.2015 in Reference Na.Ka.No.20/2010/aa quash the same and consequentially to direct the third respondent to refer Award No.8 of 2011 dated 12.08.2011 to the civil Court for adjudication regarding



W.P.No.43476 of 2016

enhancement of the compensation in respect of the land acquired in Survey No.496/6J measuring an extent of 200 sq.mts. situated in Pondhur Village, Sriperumbudur Taluk and Kanchipuram District.

2.The case of the petitioner is that the petitioner's land was acquired under the Tamil Nadu Highways Act, 2001 and 15(1) notification was issued in the name of original owner and after noticing the public general notice dated 18.11.2009 in the Tamil Daily Newspaper namely, Dhinakaran, dated 28.11.2009, the petitioner made representation to the respondents on 14.12.2009 and without hearing the petitioner, the award was passed in Award No.08/2011 on 12.08.2011.

3.The further case of the petitioner is that thereafter, the petitioner again made representation to the third respondent on 15.12.2011 pointing out that the acquisition proceedings were initiated in the name of the petitioner's vendor and not in the name of the petitioner and that she is entitled receive compensation and seeking inclusion of her name in the award and for referring the matter to the competent Court for enhancement of compensation. Thereafter, vide proceedings of the third respondent dated



W.P.No.43476 of 2016

29.12.2011 the petitioner's

WEB COPY

name was included and she was awarded compensation of Rs.3,23,413/-, however, the petitioner's request for reference to the competent civil Court was rejected on the ground that she has to make application within 60 days from the date of award i.e., 12.08.2011. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that though award was passed on 12.08.2011, initially, petitioner's name was not included in the award and subsequently, her name was included on 29.12.2011 and hence, the impugned order mechanically rejecting the request of the petitioner is not sustainable one.

5.The learned Government Advocate appearing for the respondents 1 to 3 submitted that originally award was passed on 12.08.2011 and the petitioner's name was not included in the award and subsequently, her name was included on 29.12.2011 and she was awarded compensation of Rs.3,23,413/-, however, inadvertently, the third respondent without considering the fact that the petitioner's



W.P.No.43476 of 2016

name was included in the award on 29.12.2011, rejected the petitioner's request for referring the matter to the competent civil Court for enhancement of compensation. Hence, this Court may pass appropriate orders.

6. Heard the arguments advanced on either side and perused the materials available on record.

7. The facts in the present case is not in dispute. Admittedly, the petitioner's land was acquired under the Tamil Nadu Highways Act, 2001 and noticing the public general notice dated 18.11.2009 in the Tamil Daily Newspaper namely, Dhinakaran, dated 28.11.2009, the petitioner made representation to the respondents on 14.12.2009, however, award was passed in Award No.08/2011 on 12.08.2011. Thereafter, the petitioner again made representation to the third respondent on 15.12.2011 seeking inclusion of her name in the award and for referring the matter to the competent Court for enhancement of compensation. Thereafter, vide proceedings of the third respondent dated 29.12.2011 the petitioner's name was included and she was awarded compensation of Rs.3,23,413/-, however, the petitioner's request for reference to the competent civil Court was



W.P.No.43476 of 2016

rejected on the ground that she has to make application within 60 days from the date of award i.e., 12.08.2011.

8.The third respondent ought to have considered the petitioner's application from the subsequent award date i.e., 29.12.2011, since the petitioner's name was included in the award only on 29.12.2011 and ought to have ordered for referring the matter to the competent civil Court in terms of Section 20 of the Tamil Nadu Highways Act, 2001.

9.In view of the above, the impugned order is liable to be interfered with. Accordingly, the impugned order dated 19.11.2015 passed by the third respondent is set aside. The respondents are directed to refer the matter to the competent civil Forum in terms of Section 20 of the Tamil Nadu Highways Act, 2001, within a period of four weeks from the date of receipt of a copy of this order.

10.The writ petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

17.10.2022

pri

6/8



W.P.No.43476 of 2016

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Secretary to Government,
Highways Department,
Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Office of the Collectorate,
Kanchipuram – 631 001.
- 3.The Special Tahsildar (L.A)
Orakadam Industrial Park Road,
Infrastructure Scheme,
Ramanuja Nagar,
Near Bus Stand,
Sriperumbudur – 602 105.
- 4.The Managing Director,
SIPCOT, Door No.19A,
Rukmani Lakshmipathy Salai,
Egmore,
Chennai – 600 008.



WEB COPY



W.P.No.43476 of 2016

M.DHANDAPANI,J.
pri

W.P.No.43476 of 2016
And
W.M.P.No.37320 of 2016



WEB COPY



W.P.No.43476 of 2016

17.10.2022