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W.P.No.34929 of 2014

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.06.2022**

**CORAM:**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.34929 of 2014**

**and**

**M.P.No.1 of 2014**

Mr. Mathew George

..... Petitioner

Vs.

1. The Secretary to Government,  
Public Works Department (Highways)  
Fort St. George, Chennai-600 009.
2. The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Chengalpattu.
3. The Special Deputy Collector (Land Acquisition)  
Poonamallee, Chennai.
4. The Divisional Engineer,  
Highways Department,  
Chengalpattu, Tamil Nadu-603 001.
5. The Chief Executive Officer,  
Tamil Nadu Road Development Company Limited,



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No.345, Sindu Pantheon Plaza,  
Pantheon Road, Egmore,  
Chennai-600 008.

.....Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring that the Land Acquisition Proceedings initiated under Land Acquisition Act 1894 in respect of the lands to an extent of 0.01.5 Hectares Comprised in S.No.359/1-A Part belonging to the Petitioner pursuant to G.O.Ms.No.1491 P.W.(High ways) (HS-2) Department dated 27.10.1992 situated at Thiruvindanthi Village at Chengalpattu Taluk Chengalpattu M.G.R.District as lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

For Petitioner : M/s.Waraon & Sai Rams

For Respondents : Mr. P. Sathish,  
Additional Government Pleader for R1 to R4  
: Mr. M. Sivavarthan for R5.

### **ORDER**

The present petition has been filed seeking declaration that the Land Acquisition Proceedings initiated under Land Acquisition Act 1894 in respect of the subject lands as lapsed in terms of Section 24(2) of Right to



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Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

2. The case of the petitioner is that he purchased the land to an extent of about 0.01.5 Hectares comprised in Survey No.359/1A (Part), by way of a registered sale deed dated 18.05.1990. The said land was acquired by invoking the urgency clause under Section 17(3) of the Land Acquisition Act, 1894 by dispensing with the enquiry under Section 5-A of the Act, by passing G.O(Ms).No.1491 dated 27.10.1992 issuing notification under Section 4(1) of the Act, for the purpose of widening the East Coast Road. Thereafter a Declaration was issued under Section 6 of the Act. However, the petitioner was not issued with any notice with regard to the Acquisition. Subsequent to the acquisition, the acquired land was neither utilized for the purpose for which it was acquired nor the petitioner was paid the compensation amount. Hence, the petitioner has come up with this Writ Petition.



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3. Learned counsel for the petitioner submits that the Acquisition has been made by invoking the urgency clause under Section 17 of the Land Acquisition Act, 1894, due to which, the petitioner was deprived of his right to file his objections towards the acquisition and further, the acquired land has not been utilized for the purpose for which it was acquired. However, the grievance of the petitioner is that, even after a lapse of two decades, the compensation amount towards the acquisition has not been paid to the petitioner and the physical possession of the said land was also not taken. Therefore, the Land Acquisition proceedings is deemed to have lapsed. In view of the same, the impugned notification of the 1<sup>st</sup> Respondent is liable to be quashed and this Writ Petition deserves to be allowed.

4. Learned Additional Government Pleader appearing for the respondents relying upon the Counter Affidavit filed by the 4<sup>th</sup> Respondent, submits that the physical possession was taken and the Award was also passed towards the said acquisition and the notice was also served to the



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petitioner to receive the compensation amount. Now, the grievance of the petitioner being non-payment of compensation, he may make a representation seeking disbursement of compensation before the 2<sup>nd</sup> Respondent/Revenue Divisional Officer who is competent to deal with the same and the said representation will be considered in accordance with law.

5. In view of the submission made by the learned Additional Government Pleader as possession has already been taken, this Court, directs the petitioner to make a representation before the 2<sup>nd</sup> Respondent/Revenue Divisional Officer seeking disbursement of compensation along with the copy of this order, within a period of two weeks from the date receipt of a copy of this order. On such representation being made, the 2<sup>nd</sup> Respondent/Revenue Divisional Officer is directed to disburse the compensation amount within a period of twelve weeks thereafter, if not already disbursed. If the petitioner has any grievance with regard to the quantum of compensation amount, the petitioner is at liberty to seek higher compensation by working out his remedy in the manner known to law.



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6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

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To

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**M.DHANDAPANI, J.**

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