



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25788 OF 2014

AND

M.P.NO.1 OF 2014

M/s.Kyungshin Industrial Motherson Ltd.,
Represented by its Managing Director,
Rakesh Satwah,
Works at S.No.39-42, 143,
Athananchery Village,
Padappai Main Road,
Sriperumbudur Taluk,
Kancheepuram District.

... Petitioner

.Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Thasildar (LA),
Oragadam Industrial Park Road,
Infrastructure Scheme,
Sriperumbudur.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to refer the petitioner's letter dated 15.12.2011 to the Competent Civil Court for enhancement of the compensation acquired pursuant to the award No.15 of 2011 dated 25.11.2011 for the petitioner's land admeasuring about 00007 sq. mtr. in Survey No.41/1C1 Sub Division No.41/3, admeasuring about 00020 sq. mtr in Survey No.41/2A1 Sub Division No.41/4, admeasuring above 00114 sq. mtr in Survey No.41/2A2 Sub Division No.41/5, admeasuring about 00161 sq. mtr in Survey No.41/2B1 Sub-Division No.41/6 by the Special Tahsildar (Land Acquisition) in Athananchery Village, Padappai Main Road, Sriperumbudur Taluk, Kancheepuram District.



For Petitioner : Mr.J.James
For Respondents : Mr.P.Sathish
Additional Government Pleader

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O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner/company's letter dated 15.12.2011 and refer the matter to the Competent Civil Court for enhancement of the compensation for the petitioner/company's lands.

2. The case of the petitioner is that petitioner/Company owned lands comprised in S.No.41/1C1, Sub Division No.41/3, S.No.41/2A1, Sub Division No.41/4, S.No.41/2A2, Sub Division No.41/5 and S.No.41/2B1, Sub Division No.41/6, measuring an extent of 00007 sq.mtr, 00020 sq.mtr, 00114 sq.mtr and 00161 sq.mtr respectively, situated at Athananchery Village, Sriperumpudur (Tk), Kancheepuram District. The Tamil Nadu Government proposed to acquire the above said lands for the purpose of widening the road from Vandalore to Wallajapath. Accordingly, the 1st respondent issued a notice dated 06.11.2009 to the petitioner/company under Section 15(2) of the Tamil Nadu Highways Act 2001 (in short 'Act'). Thereafter, the petitioner/company sent their objection dated 04.12.2009, however, without considering the same, the 2nd respondent issued a notification dated 19.10.2010 under Section 15(1) of the Act to surrender possession of the above said lands. The petitioner/Company sent another objection letter dated 10.11.2010, objecting the said notice dated 19.10.2010. In spite of the objection made by the petitioner/Company, the 2nd respondent issued a notice dated 24.03.2011 again calling for objections. Eventhough the petitioner/Company made several objections, the same were overruled and the 2nd respondent proposed to acquire the said lands. Thereafter, the notice under Section 19 of the Act was issued for determination of compensation and the petitioner/company has also participated in the said enquiry and put forth their objections.

3. It is the further case of the petitioner/company that, Award in Award No.15 of 2011 dated 25.11.2011 was passed by the 2nd respondent by fixing a compensation amount of Rs.2,55,206/- for land comprised in S.No.41/1C1 (41/3), Rs.53,491/- for land comprised in S.No.41/2A1 (41/4), Rs.3,04,896/- for land comprised in S.No.41/2A2 (41/5) and Rs.4,30,599/- for land comprised in S.No.41/2B1 (41/6). Aggrieved by the said Award, the petitioner/Company made an objection dated 15.12.2011 before the 1st respondent, however, no order has been passed on the



same. Therefore, the petitioner/Company sent an application dated 12.03.2014 under Right to Information Act, to verify whether the case was referred to concerned Court for enhancement of compensation as per Section 20 of the Act, however, there was no reply for the same. Hence, the present Writ petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner/company submitted that it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner/Company's letter dated 15.12.2011 and refer the matter under Section 20(1) of the said Act to the competent Civil Court for enhancement of compensation amount.

5. Learned Additional Government Pleader appearing on behalf of the respondents submitted that the land acquisition proceedings have been initiated and concluded after following the procedures contemplated in the said Act. He further submitted that, no application along with the necessary documents, was received from the petitioner/company for payment of the compensation amount as per the Award No.15 of 2011 dated 25.11.2011 and no application for referring the matter under Section 20(1) of the Act to the competent Civil court for enhancement of compensation, was received from the petitioner/company. However, he fairly submitted that, this Court may issue direction to the petitioner/company to make an application along with all connected documents required for payment of compensation, enabling the respondents to disburse the compensation amount for the lands acquired and on receipt of such application, the same will be considered by the respondents and appropriate orders will be passed for disbursement of the compensation amount and for referring the matter to the competent Civil Court for redetermination of compensation amount within the time that may be stipulated by this Court.

6. Learned counsel for the petitioner/company fairly submitted that, this Court may permit the petitioner/company to file a fresh application along with the necessary documents as mentioned in the Paragraph 8 of the counter affidavit filed by the respondents, so as to enable the respondents to pay the compensation awarded and also to refer the matter to the competent Civil Court for enhancement of compensation under Section 20(1) of the said Act.

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

8. In view of the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, issues direction to the petitioner/company to file a fresh application along with the necessary documents as mentioned in



the Paragraph 8 of the counter affidavit filed by the respondents along with a copy of this order before the respondents. On receipt of such application, the respondents are directed to consider the same and pass appropriate orders in accordance with law within a period of eight weeks with regard to disbursement of the compensation amount as fixed in Award No.15 of 2011 dated 25.11.2011 and also for referring the matter under Section 20(1) of the Act, to the competent Civil court for redetermination of compensation amount.

9. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar (LA),
Oragadam Industrial Park Road,
Infrastructure Scheme,
Sriperumbudur.

+1cc to Mr.J.James, Advocate, S.R.No.27171
+1cc to the Government Pleader, S.R.No.27168

W.P.NO.25788 OF 2014 AND
M.P.NO.1 OF 2014

AD(CO)
PBS/24/05/2022