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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22252 of 2019
and W.M.P.No.21531 of 2019

V.Sundaramoorthy

... Petitioner

-Vs-

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

2.The District Collector,
Kancheepuram District, Kancheepuram.

3.The District Revenue Officer,
Kancheepuram District, Kancheepuram.

4.The Special Tahsildar (LA),
Oragadam Industrial Park Road,
Infrastructure Scheme,
Ramanujar Lane, Sriperumbudur 602 106,
Kancheepuram District.

5.The Chief Engineer (General),
Highways Department, Chepauk,
Chennai 600 005.

6.The Divisional Engineer - II,
TNRSP-II, Highways Department,
Kancheepuram District, Kancheepuram.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take appropriate steps for acquisition of land to an extent of 2438 sq.ft in S.No.1585B/2A3, Sriperumbudur Village and Taluk, Kancheepuram District, for Oragadam Industrial Park Road Expansion Scheme as per boundary markings made for the purpose of acquisition with payment of fair compensation to the petitioner in accordance with the Central Act 30/2013, by considering the representation submitted by the petitioner dated 08.08.2016 within a time frame to be fixed by this Hon'ble Court.



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For Petitioner : Mr.G.Sankaran

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to take appropriate steps for acquisition of land to an extent of 2438 sq.ft in S.No.1585B/2A3, Sriperumbudur Village and Taluk, Kancheepuram District, for Oragadam Industrial Park Road Expansion Scheme as per boundary markings made for the purpose of acquisition with payment of fair compensation to the petitioner in accordance with the Central Act 30/2013, by considering the representation submitted by the petitioner dated 08.08.2016 within a time frame to be fixed by this Hon'ble Court.

2. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner owned property to an extent of 2976 sq.ft comprised in Survey No.1567/B2 and 1585B/2A3 at No.105, Sriperumbudur Village, Kancheepuram District. After the purchase of the said property, the petitioner was issued patta in Patta No.2314. While being so, the respondents have initiated land acquisition proceedings under the Tamil Nadu Highways Act, 2001 (hereinafter called as "the Act") for expansion of Highways Road, Oragadam Industrial Park Road, for which notice under Section 15(1) of the Act was published by the Highways Department in the Tamil Nadu Government Gazette, dated 02.06.2010.

4. The fourth respondent issued notice, dated 07.07.2010 to acquire the extent of 50 sq.metre in the land comprised in Survey No.1567/B2 and 90 sq.metre of the land comprised in Survey No.1585B/2A3. Thereafter, the petitioner was issued notice, dated 11.07.2016 under Section 19(2) of the Act to an extent of 50 sq.metre in Survey No.1567/B2 and to an extent of 30 sq.metre of land comprised in Survey No.1585B/2A3. Accordingly, the extent of the land has been reduced from 90 sq.metre to 30 sq.metre in the land comprised in Survey No.1585B/2A3. Thereafter, the fourth respondent issued notices under Section 19(5) and Section 19(7) of the Act, dated 12.11.2018 for the purpose of acquisition of the subject land.



5. As per the acquisition proceedings issued by the respondents, the respondents acquired only an extent of 30 sq.metre i.e.323 sq.ft in the land comprised in Survey No.1585B/2A3. Whereas, the total extent of the property is ad-measuring 90 sq.metre i.e. 2976 sq.ft. Therefore, the petitioner made a representation to acquire the entire land comprised in Survey No.1585B/2A3 and pay compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Further, the case of the petitioner is that even for the land which was acquired, no compensation has been fixed and as such the petitioner and the other adjacent owners have filed a writ petition before this Court in W.P.No.5655 of 2018 and this Court by an order dated 14.03.2018, directed the respondents to pass an interim award.

6. The second respondent filed counter and revealed that the petitioner's land ad-measuring 90 sq.metre in Survey No.1585B/2A3 has been reduced to 30 sq.metre for acquisition, for the purpose of expansion of Highways Road, Oragadam Industrial Park Road. The land acquisition proceedings have been initiated for the lands ad-measuring 430 sq.metre. Out of 600 sq.metre, the balance extent of 170 sq.metre is not required for acquisition proceedings for the said purpose. In fact, no middle portion of the said lands are left out for widening the existing road from Singaperumal koil to Sriperumbudur. Therefore, the request of the petitioner cannot be considered.

7. That apart, the compensation for land which was already acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, was approved by the Government in G.O.Ms.No.298 Revenue of Disaster Management (LA) (1) Department, dated 20.09.2017. Thereafter, the G.O.Ms.No.27 Highways and Minor Ports (HF1) Department, dated 05.03.2018 had been issued to follow an determination of final amount of compensation to the land owners. Therefore, the interim award could not be passed and the Competent Authority had sent necessary proposals for payment of compensation for acquisition of land to the Government for approval.

8. In these circumstances, the prayer sought for in this writ petition cannot be considered. The writ petition is devoid of merits and is liable to be dismissed. However, the third respondent is directed to pass an award for the land which was already acquired for the purpose of expansion of Highways Road, Oragadam Industrial Park Road, within a period of six weeks from the date of receipt of a copy of this order.



9. In view of the above, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
State Highways Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District, Kancheepuram.
3. The District Revenue Officer,
Kancheepuram District, Kancheepuram.
4. The Special Tahsildar (LA),
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5. The Chief Engineer (General),
Highways Department, Chepauk,
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6. The Divisional Engineer - II,
TNRSP-II, Highways Department,
Kancheepuram District, Kancheepuram.

+1cc to Mr.G.Sankaran, Advocate SR. No.6202
+1cc to Government Pleader SR. No.6834

W.P.No.22252 of 2019
and W.M.P.No.21531 of 2019

KSM (CO)
PR (01/03/2022)