



WEB COPY



WP.No.26361 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.26361 of 2022
and W.M.P.No.25435 of 2022

Mohamad Ali

.. Petitioner

Versus

1. The Competent Authority and
Special District Revenue Officer
(Land Acquisition)
National Highways- 69
Kancheepuram Office at
No.7 Postal Colony
Kancheepuram District- 631

2.The Special Tasildar (Land Acquisition)
Special Tasildar Office (Additional In Charge)
CKICP-SH-69
(Chennai to Kanniyakumari Industrial Connectivity
project-SH-69) Vriddhachalam to Ulundupet Unit
No.06, A.L.C.Campus
Cuddalore Distict – 607 001

3.The Commissioner
State land Administration Commissioner office
Ezhilagam, Chennai.

4.The Additional District Collector (Revenue)
District Collector Office
Cuddalore- District.



WP.No.26361 of 2022

5.The Sub Collector
Sub Collector Office
Vriddhachalam-606 001
Cuddalore- District.

6.Mohamathu Syed

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to disposed the petitioner representation (Appeal) dated 23.06.2022 with the time frame manner and consequently issue direction to the respondents 1st and 2nd to pass new award to the petitioner property as per the new FMB Sketch in Survey No.33/2B1A, 33/2c situated at Mangalampettai Village, Vriddhachalam Taluk, Cuddalore District.

For Petitioners : Mr.T.Meganathan
For Respondents : Mr.K.Karthik Jagannath for R1-R5
Government Advocate

ORDER

This writ petition is filed seeking for directing the 3rd respondent to disposed the petitioner representation (Appeal) dated 23.06.2022 with the time frame manner and consequently issue direction to the respondents 1st and 2nd to pass new award to the petitioner property as per the new FMB Sketch in Survey No.33/2B1A, 33/2c situated at Mangalampettai Village, Vriddhachalam Taluk, Cuddalore District.

2. The petitioner's land situated in Survey Nos. 33/2B1A and 33/2C at Mangalampet Village, were acquired under the Tamil Nadu Highways Act 2001 (in short 'Act') and 15(1) notice were issued on 15.04.2019 and the



WP.No.26361 of 2022

award was passed under Section 19(5) of the Act in Award No. 24/2020 on 30.11.2020 in Na.Ka.No.A4/28/2018. Further, it is the grievance of the petitioner is that the respondents without properly verifying the award had acquired the lands which do not come under the purview of the acquisition proceedings and even till date, the respondents have not disbursed the award amount as per the award passed under Section 19(5) of the Act. Hence, the petitioner made a representation to the first respondent on 10.06.2020 for disbursing the said award amount. In the meanwhile, the sixth respondent has preferred appeal before the fourth respondent and the compensation amount was disbursed in favour of the sixth respondent with respect to Survey No. 33/2e. Also, the fourth respondent passed an order rejecting the rectification of the FMB sketch sought for by the petitioner on 07.06.2022. Hence, he made an appeal before the third respondent on 23.06.2022 in I2/2729327/22 and the same is pending without consideration till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that the respondents without properly verifying the FMB sketch has acquired the excess lands of the petitioner's land and has rejected rectification of the FMB sketch vide impugned order. Hence, seeks this Court for issuance of direction to respondents to pass additional award.



WP.No.26361 of 2022

4. The learned Government Advocate appearing for the respondents 1 to 5 submitted that as against the award passed by the respondent authorities with regard to passing of award, there is an effective remedy under Section 19 of the Act, before the District Collector seeking reference under Section 20 of the Act read with Section 64 of the Rights of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of the case and having regard to the submissions of the learned counsel, this Court directs the petitioner to file an application before the concerned District Collector seeking reference of matter under Section 20 of the Act read with Section 64 of the Rights of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of two weeks from the date of receipt of a copy of this Order and the concerned District Collector is directed to consider the representation of the petitioner and refer the matter under Section 20 of the Tamil Nadu Highways Act 2001, read with Section 64 of the Rights of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of twelve weeks thereafter.



WP.No.26361 of 2022

6. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

30.09.2022

Index: Yes/No
dhk

To

1. The Competent Authority and
Special District Revenue Officer (LA)
National Highways- 69
Kancheepuram Office at
No.7 Postal Colony
Kancheepuram District- 631

2. The Special Tasildar (Land Acquisition)
Special Tasildar Office (Additional In Charge)
CKICP-SH-69
(Chennai to Kanniyakumari Industrial Connectivity
project-SH-69) Vriddhachalam to Ulundupet Unit
No.06, A.L.C.Campus
Cuddalore District – 607 001

3. The Commissioner
State land Administration Commissioner office
Ezhilagam, Chennai.

4. The Additional District Collector (Revenue)
District Collector Office
Cuddalore- District.

5. The Sub Collector
Sub Collector Office
Vriddhachalam-606 001
Cuddalore- District.



WEB COPY



WP.No.26361 of 2022

M. DHANDAPANI, J.

dhk

WP.No.26361 of 2022

30.09.2022