



W.P.No 23849 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23849 of 2022

and

W.M.P.No.22837 of 2022

T. Balakrishnan

..Petitioner

Versus

1. The District Collector
Thiruvallur District.
Thiruvallur.
2. The District Revenue Officer
Thiruvallur District.
Thiruvallur.
3. Tahsildar
Avadi, Thiruvallur District.
Thiruvallur.
4. The Principal Secretary to Government
Highways and Minor Ports Department
Fort St. George
Chennai - 600 009.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to refer for determination and enhancement of compensation to the authority under The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 vide Award No.05 of 2021, dated 10.08.2021 in the proceedings in Na.Ka.3957/2014/F1, dated 02.02.2021 with respect to Survey No.373/2A1A/1A1A Part Old S.Nos.403 and 404, T.S.No. 49, Thandarai (Pattabiram) Village, Avadi Taluk, Thiruvallur District for the purpose of Railway over bridge at Gate No.2.

For Petitioner : Mr.A. Prabhakara Reddy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed seeking for a direction to the second respondent/District Revenue Officer to refer the matter for determination and enhancement of compensation to the Authority under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and



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Resettlement Act, 2013 vide Award No.05/2021, dated 10.08.2021 in the proceedings in Na.Ka.No.3957/2014/F1, dated 02.02.2021 with respect to Survey No.373/2A1A/1A1A Part old S.Nos.403 and 404 T.S.No.49, Thandarai (Pattibiram) Village, Avadi Taluk, Thiruvallur District for the purpose of Railway over bridge at Gate No.2.

2. According to the petitioner, he is the absolute owner of the property comprised in S.Nos.403 and 404 and now T.S.No.49 Part of Thandarai (Pattabiram) Village, Avadi Taluk, Thiruvallur District. Subsequently, the property was acquired by the second respondent/District Revenue Officer for the purpose of construction of Railway over-bridge under the provisions of the Tamil Nadu Highways Act, 2001 vide proceedings in Na.Ka.No.3957/2014/F1, dated 13.01.2021. Thereafter, the second respondent proceeded to pass the Award with respect to the acquisition of his property as stated above without following the principle of natural justice and he was not given any copy of the award. Accordingly, the petitioner visited the office of the third respondent/Tahsildar on 15.11.2021 and the third respondent made an stamped endorsement in the original copy of his sale deed dated 20.01.1983 showing that an Award



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No.05 of 2021, dated 10.08.2021 has been passed for a sum of Rs.41,73,503/- as total compensation and the same is very meagre.

However, the second respondent has not furnished a copy of the award passed by the second respondent to the petitioner herein. In this regard, on 25.06.2022, he made a representation to the second respondent to furnish him with a copy of the award and refer the matter for enhancement of compensation. But, the respondents have not taken any steps and therefore, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the second respondent to furnish a copy of the Award No.05 of 2021, dated 10.08.2021 and refer the matter for enhancement of compensation based on the proceedings No.3957/2014/P1, dated 02.02.2021.

4. The learned Special Government Pleader appearing for the respondents submitted that there is no legal impediment to furnish a copy of



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the Award No.05 of 2021, dated 10.08.2021 and if the petitioner is making any representation before the second respondent, the same will be considered in accordance with law.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation in the present writ petition, the Writ Petition is disposed of, with a direction to the second respondent/District Revenue Officer to furnish a copy of the Award No.05 of 2021, dated 10.08.2021 to the petitioner herein and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.09.2022

Index:Yes / No
Speaking / Non-Speaking order
msm

M. DHANDAPANI, J.
msm

To



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and

W.M.P.No. 22830 of 2022

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