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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23371 of 2019

R.V.Sundararaj

... Petitioner

-Vs-

1. The Arbitrator cum District Collector,
Thiruvallur District,
Thiruvallur.

2. The Competent Authority cum Special District Revenue
Officer (Land Acquisition - National Highway - 205),
National Highways - 205,
Thiruvallur.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Arbitrator cum District Collector, Thiruvallur District, the first respondent herein, to consider the petitioner's representations dated 10.06.2019 in the light of the recommendation made by the Competent Authority cum District Revenue Officer (Land Acquisition - National Highway - 205), Thiruvallur, the second respondent herein, in his communication Na.Ka.No.48/2017/N.H-205, dated 23.05.2018 and to grant the petitioner the enhanced compensation for the 1241 square metres of the petitioner lands which were omitted in the arbitration proceedings dated 23.06.2017.

For Petitioner : Mr.J.Thilagaraj

For Respondents: Mr.G.Ameedius
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the Arbitrator cum District Collector, Thiruvallur District, the first respondent herein, to consider the petitioner's representation, dated 10.06.2019 in the light of the recommendation made by the Competent Authority cum District Revenue Officer (Land Acquisition - National Highway - 205), Thiruvallur, the second respondent herein, in



his communication Na.Ka.No.48/2017/N.H-205, dated 23.05.2018 and to grant the petitioner the enhanced compensation for the 1241 square metres of the petitioner lands which were omitted in the arbitration proceedings, dated 23.06.2017.

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2. Heard Mr.J.Thilagaraj, learned counsel appearing for the petitioner and Mr.G.Ameedius, learned Government Advocate appearing for the respondents.

3. The petitioner owned lands comprised in various survey numbers of No.89 Perumalpattu Village, Thiruvallur. The said lands were acquired for the formation of Chennai - Thirupathi National Highway No.205. The petitioner was granted compensation in two separate proceedings. One proceeding was covered for the land ad-measuring 1241 sq.metres and another one for the land ad-measuring 75 sq.metres. Since, the compensation amount is very low, the petitioner filed an application before the first respondent for enhancement of compensation. The petitioner was called for an enquiry on 10.02.2017 and the petitioner appeared for the enquiry and placed all material facts for enhancement of compensation. After the enquiry, the first respondent by the proceedings, dated 23.06.2017 in Rc.No.246/14/Arb, enhanced the compensation only in respect of 75 sq.metres of lands.

4. However, the claim of the petitioner for enhancement of compensation in respect of the 1241 sq.metres of lands were omitted and the first respondent failed to consider the said request. The details of the omitted lands are as follows,

S.No.	Survey No	Area
01	2/7C2	275 sq.metres
02	3/28	350 sq.metres
03	3/5A1A2	418 sq.metres
04	6/3A1	150 sq.metres
05	6/4A1B	48 sq.metres
Total		1241 sq.metres

5. Therefore, the petitioner submitted a representation on 17.07.2017 before the first respondent about the mistakes committed by the first respondent and requested for enhancement of compensation for the omitted lands to an extent of 1241 sq.metres. Though, the first respondent did not pass any order, the second respondent by the communication, dated 23.05.2018 in reference number Na.Ka.No.48/2017/N.H.205, thereby recommended to consider the request of the petitioner and indicated that the



lands ad-measuring 1241 sq.metres were omitted in the arbitration proceedings and requested the first respondent to issue revised proceedings for the left out lands ad-measuring 1241 sq.metres. It was also not considered by the first respondent and as such the petitioner again submitted a representation, dated 27.02.2019 and 10.06.2019 before the first respondent.

6. In fact, while pending the writ petition, this Court directed the first respondent to file action taken report on the representation of the petitioner on the basis of the letter issued by the second respondent. Even till today, the first respondent did not consider the same and kept the issue as pending.

7. A perusal of the Arbitral Award, dated 23.06.2017, revealed that the compensation was enhanced in respect of the lands comprised in Survey Nos.6/3A1 and 6/4A1, ad-measuring 30.5 sq.metres and the other properties owned by the petitioner and his brothers in Survey Nos.2/7C2, 3/5A1A2 and 6/4A1B, totally ad-measuring 1161 sq.metres. However, the first respondent omitted to enhance the compensation for the remaining extent of the property comprised in Survey Nos.2/7C2, 3/28, 3/5A1A2, 6/3A1, 6/4A1B, ad-measuring 1241 sq.metres. It is also evident from the communication of the second respondent, dated 23.05.2018, thereby, directed the first respondent to pass revised proceedings for the omitted lands, ad-measuring 1241 sq.metres for enhancement of compensation amount.

8. In view of the above, the first respondent is directed to pass orders on the representation of the petitioner, dated 10.06.2019, on the basis of the recommendation forwarded by the second respondent, dated 23.05.2018, after giving an opportunity of hearing to the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Arbitrator cum District Collector,
Thiruvallur District,
Thiruvallur.

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2. The Competent Authority cum Special District Revenue
Officer (Land Acquisition - National Highway - 205),
National Highways - 205,
Thiruvallur.

+2cc to Mr.J.Thilagaraj, Advocate, S.R.No.5982

+1cc to the Government Pleader, S.R.No.6837

W.P.No.23371 of 2019

MT (CO)
SB(01/03/2022)