



W.P.No.25468 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25468 of 2022

K.Devarajan

... Petitioner

Vs.

1.The District Collector,
Tiruvallur,
Tiruvallur District.

2.The Director of Planning,
National Highways Commission,
Sree Tower, 3rd Floor,
Guindy,
Chennai – 34.

3.The Special District Revenue Officer (Land Acquisition),
National Highways,
Tiruvallur.

4.The Revenue Divisional Officer,
Ponneri,
Chennai.

5.S.K.Kannaia Naidu & Co,
A partnership firm,
Represented by its
Partner P.Madhanagopal
4/711, G.N.T Road,
Padiya Nallur Village,
Sengunram, Ambattur Taluk,
Thiruvallur District.



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6.P.Madhanagopal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to initiate revenue recovery proceedings against the 6th respondent for the recovery of sum of Rs.1,11,81,641/- (Rupees one crore and eleven lakhs and eighty one thousand and six hundred and forty one only) along with 12% interest from 17.08.2021 in compliance letter No.296/2010/NH5 dated 17.08.2021 on the file of 3rd respondent and direct the respondents 1 to 4 to initiate fresh acquisition proceedings and to pass fresh award with respect to the acquisition of land admeasuring 43 cents out of 48 cents comprised in S.No.4/1B, 5/1A1B situated at Vijayanallur Village, Ponneri Taluk and Tiruvallur District.

For Petitioner : Mr.R.Rajarajan

For R1 to R4 : Mr.K.M.D.Muhilan,
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 1 to 4 to initiate revenue recovery proceedings against the 6th respondent for the recovery of sum of Rs.1,11,81,641/- (Rupees one crore and eleven lakhs and eighty one thousand and six hundred and forty one only) along with 12% interest from 17.08.2021 in compliance letter No.296/2010/NH5 dated 17.08.2021 on the file of 3rd respondent and direct the respondents 1 to 4 to initiate fresh acquisition proceedings and to pass fresh award with respect to the acquisition of land admeasuring 43 cents out of 48 cents comprised in S.No.4/1B, 5/1A1B situated at Vijayanallur Village, Ponneri Taluk and



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Tiruvallur District.

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2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that he had purchased the aforesaid properties from the fifth respondent through the power agent namely, Saraswathi, vide registered Sale Deed, dated 10.09.2008, bearing Doc.No.8670 of 2008 on the file of Sub Registrar Office, Redhills. Subsequently, the patta was also mutated in the name of the petitioner. During the year 2011, the aforesaid properties were acquired for the expansion of Highways viz., NH-5 under the National Highways Act. The grievance of the petitioner is that without issuing any notice, without following due process of law and without paying proper compensation to the petitioner, the petitioner's lands were acquired for the aforesaid purpose. When the petitioner approached the respondent authorities to avail the compensation amount for the acquired properties, he came to know that the respondents 5 and 6 by suppressing all the facts had received the compensation amount of Rs.53,54,073/- (Rupees fifty three lakhs and fifty four thousand and seventy three only) in their favour. Therefore, the



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petitioner made a representation dated 20.09.2013 before the Revenue Officials, seeking to provide the information regarding the compensation amount and O.R.R. copy, pursuant to which, the third respondent vide his proceedings dated 09.12.2020 proposed to conduct enquiry on 15.12.2020 for recovery of the aforesaid amount from the sixth respondent in order to pay the compensation to the petitioner. The enquiry was conducted between the petitioner and the private respondents, and during the enquiry, the sixth respondent accepted to pay the amount due along with interest at the rate of 12% as the compensation amount to the tune of Rs.1,11,81,641/- (One crore eleven lakhs eighty one thousand six hundred and forty one rupees only) to the petitioner. Thereafter, there was no progress by the sixth respondent to remit the amount received by him. In order to recover the amount from the sixth respondent, the petitioner repeatedly approached respondents 1 to 4, and on receipt of such representation, the third respondent passed an order dated 17.08.2021, with a direction to the fourth respondent to furnish the details regarding movable and immovable properties of sixth respondent and directed to report the same on or before 31.08.2021. However, till date, the order was not implemented. Hence, the petitioner filed the present Writ Petition.



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M.DHANDAPANI, J.,

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