



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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W.P.Nos.27428 to 27430, 27434, 27437, 27438, 27440, 27441,
27444, 27446, 27447 and 27449 of 2021

and

W.M.P.Nos.28950, 28956, 28960 28962 and 28964 of 2021

D.RAGOTHAMAN ... PETITIONER IN WP.NO.27428 OF 2021

P.NATARAJAN ... PETITIONER IN WP.NO.27429 OF 2021

K.MANONMANI .. PETITIONER in WP No.27430 of 2021

K.LAKSHMI NARAYANAN

(LEGAL HEIR OF (LATE) R.SULOCHANA)

S/O.KULASEKARAN OLD NO.30 NEW NO.17

TEACHERS COLONY 3RD STREET KONDUGAIYUR

CHENNAI TAMIL NADU 600 118.

2 S.REVATHY

(LEGAL HEIR OF (LATE) R.SULOCHANA)

W/O.SRIDHAR NO.21 2ND CROSS STREET

KAVERI NAGAR KONDUGAIYUR

CHENNAI TAMIL NADU 600 118.

.. PETITIONERS in WP No.27434 of 2021

B.RANGARAJ ... PETITIONER in WP No.27437 of 2021

V.KOTHANDAM ... PETITIONER in WP No.27438 of 2021

M.MUTHUSAMY ... PETITIONER in WP No.27440 of 2021

J.SURESH BABU ... PETITIONER in WP No.27441 of 2021

G.LAKSHMI NARAYANAN ... PETITIONER in WP No.27444 of 2021

S.RAJAMANI ... PETITIONER in WP No.27446 of 2021

A.LAKSHMANAN ... PETITIONER in WP No.27447 of 2021

V.MURUGESAN ... PETITIONER in WP No.27449 of 2021

VS

1 THE DISTRICT COLLECTOR
THE COLLECTORATE OFFICE THIRUVALLUR
DISTRICT 602 001.

2 THE SPECIAL DISTRICT REVENUE
OFFICER/COMPETENT AUTHORITY THE COLLECTOR
HEAD OFFICE THIRUVALLUR DISTRICT 602 001.



3

THE SPECIAL TAHSILDAR
THIRUVALLUR TALUK OFFICE THIRUVALLUR
DISTRICT 602 001.

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THE PROJECT DIRECTOR
NATIONAL HIGH WAYS AUTHORITY OF INDIA
NO.34 SRI TOWER SOUTH PHASE GUINDY
CHENNAI 600032.

... RESPONDENTS in all WPs

Prayer in WP No.27428 of 2021:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay compensation for petitioner's land of 167.227 sq.mts comprised in Survey No.179/1B2, situated at Saraswathi Nagar No.93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided under Sections 26 and 27 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27429 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.179/1B2, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27430 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.178/1B3, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27434 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.178/1B3, situated at SARASWATHI NAGAR No. 93 Thozhuvur



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Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27437 of 2021:

Directing the respondents to pay compensation for petitioners land of 324 Sq.Mtrs comprised in Survey No.180/2A2, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27438 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.179/1B2 and 178/1B3, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27440 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.187/1A, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27441 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.179/1B2, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



Prayer in WP No.27444 of 2021:

Directing the respondents to pay compensation for petitioners land of 179.767 Sq.Mtrs comprised in Survey No.177/2A3, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27446 of 2021:

Directing the respondents to pay compensation for petitioners land of 154.683 Sq.Mtrs comprised in Survey No.179/22, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27447 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.185/1B4, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in WP No.27449 of 2021:

Directing the respondents to pay compensation for petitioners land of 167.227 Sq.Mtrs comprised in Survey No.179/1B2, situated at SARASWATHI NAGAR No. 93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur the rate of Rs.25,584/- per square meter being the three times of market value as provided U/s.26 and 27 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners
in all W.Ps. : Mr.R.Karunakaran



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For Respondents
in all W.Ps

: Mr.M.Muthusamy
Government Advocate (for R1 to R3)
: Mr.Su.Srinivasan
Standing Counsel (for R4)

C O M M O N O R D E R

These writ petitions are filed to issue a Writ of Mandamus to direct the respondents to pay compensation in respect of the respective petitioners' lands, situated at Saraswathi Nagar No.93 Thozhuvur Village, Thiruvallur Taluk and District, within the registration District of Kancheepuram and SRO Thiruvallur at the rate of Rs.25,584/- per square meter being the three times of market value as provided under Sections 26 and 27 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the New Act' for short).

2. All the petitioners owned their respective properties situated at Saraswathi Nagar No.93 Thozhuvur Village, Thiruvallur Taluk and District. While that being so, the respondents initiated acquisition proceedings in respect of the subject properties for widening National Highways - 205. The Competent Authority/second respondent passed awards respectively. Aggrieved by the same, the petitioners filed applications before the first respondent for enhancement of compensation and subsequently, it was enhanced. However, the grievance of the petitioners is the the learned Arbitrator did not consider the provisions under Sections 26 and 27 of the New Act while enhancing the compensation. Therefore, the petitioners filed representations dated 11.08.2021 for enhancement of compensation. There is specific provision under Section 34 of the Arbitration and Conciliation Act, 1996 to challenge the Arbitral Awards. Therefore, the petitioners are at liberty to challenge the Arbitral Awards for enhancement of compensation amount before the Competent Court challenging the awards passed by the first respondent in the manner known to law.

3. With the above direction, these writ petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar



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To

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1. The District Collector,
The Collectorate Office,
Thiruvallur District - 602 001.

2. The Special District Revenue,
Officer/Competent Authority,
The Collector Head Office,
Thiruvallur District - 602 001.

3. The Special Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur District - 602 001.

4. The Project Director,
National Highways Authority of India,
No.34, Sri Tower, South Phase,
Guindy, Chennai - 600 032.

+12 ccs to Mr.R.Karunagaran, Advocate Sr.NO. 220

+1 cc to Government Pleader Sr.NO. 619

W.P.No.27428 of 2021 etc., batch

SPD(CO)

A.SK(04.02.2022)