



WEB COPY



W.P. No.28235 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.28235 of 2022

B.R.Pavithra

.. Petitioner

Versus

1. The District Collector
Kancheepuram District
Kancheepuram.

2. The Project Director
National Highways Authority of India
PIU-Kancheepuram
No. 7/16, Govindarajan Street
Tambaram West, Chennai - 600045.

3. The Special District Revenue Officer
(Land Acquisition-National Highways)
(Chennai-Bangalore Express Highways)
Kanchipuram Collectorate
Kancheepuram.

4. The Special Tahsildar
Unit-3
No.15, Visalatchi Nagar
Sevillimedu
Kancheepuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a compensation of at least Rs. 3000 per Sq.m to the extent of the petition property in Survey No. 57/1A1A1A2 of 121, Podavur Village, Chengalpet-MGR District, Sriperumbudur Taluk spread over 3,600 Sq.ft



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For Petitioner : Mr.K.Murugan
For Respondents : Mr.Su.Srinivasan for R2
Mr.K.M.D.Muhilan for R1, R3 & R4
Government Advocate

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, seeking to direct the respondents to pay a compensation of at least Rs. 3000 per Sq.m to the extent of the petition property in Survey No. 57/1A1A1A2 of 121, Podavur Village, Chengalpet-MGR District, Sriperumbudur Taluk spread over 3,600 Sq.ft.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property in Survey No.57/1A1A1A2 of 121, Podavur Village, Chengalpet-MGR District, Sriperumbudur Taluk. Further, 3D(1) notification was issued in S.O.No.2445(E) dated 30.05.2022 and subsequently, award was passed on 16.09.2022 fixing Rs.8,63,33,942/-. It is the grievance of the petitioner that though the property is physically acquired by the third respondent, compensation is not being paid to the petitioner till date. He further seeks this Court a liberty for filing an appeal before the District Collector/Arbitrator for determining the compensation amount in terms of 3G(5) of the Act.



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3. The learned counsel appearing on behalf of the National

Highways Authority did not dispute the fact.

4. Heard the learned counsel appearing for the petitioners; the learned Government Advocate and the learned Counsel appearing on behalf of the National Highways Authority and perused the entire materials available on records.

5. Considering the facts and circumstances of this case and the limited request made by the petitioner, this Court grants liberty for the petitioner to file an appeal before the jurisdictional District Collector/Arbitrator under Section 3G(5) of the National Highways Act, 1956 seeking determination of compensation within a period of four weeks from the date of receipt of a copy of this Order, upon production of title deeds. If such application is being filed by the petitioner, the District Collector/Arbitrator is directed to take up the application and pass appropriate order(s) on merits and in accordance with law within a period of twelve weeks thereafter.



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6. With the above direction, this Writ Petition is disposed of. No

costs.

26.10.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order
dhk

To,

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2. The Project Director
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M. DHANDAPANI, J.

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