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W.P.No.29388 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29388 of 2022

And

W.M.P.No.28706 of 2022

Rickab Chand Jain

... Petitioner

Vs.

1.Competent Authority and Special
District Revenue Officer (LA)
National Highway – 716B,
Tiruvallur.

2.District Collector
Master Plan Complex NH 205,
Chennai – Tiruttani Highway,
Thiruvallur,
Tamil Nadu 602 001.

3.Vijayashanthi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents herein to conduct a fresh enquiry and determine the compensation payable to the petitioner herein in accordance to the Transfer of Property Act, the National Highway Authority Act, 1956 and Right to Fair Compensation



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and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioner being the mortgagee under a mortgage deed dated 02.04.2014 registered as Document No.2318/2014, after giving the petitioner an opportunity of being heard and consequently pay the compensation payable to 3rd respondent herein, in respect of all that piece and parcel of land comprised in Survey No.917/1 as per Patta No.1223, Survey No.917/1A measuring to an extent of Acre 0.27 cents situated at Kannigaipair Village, Uthukottai Taluk, Tiruvallur District.

For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.K.Karthik Jegannath for R1 and R2
Government Advocate
Mr.P.Paul Selvam for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to conduct fresh enquiry and determine the compensation payable to the petitioner in accordance to the Transfer of Property Act, the National Highway Authority Act, 1956 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioner being the mortgagee under a mortgage deed dated

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02.04.2014 registered as Document No.2318/2014, after giving the petitioner an opportunity of being heard and consequently pay the compensation payable to the third respondent, in respect of all that piece and parcel of land comprised in Survey No.917/1 as per Patta No.1223, Survey No.917/1A measuring to an extent of Acre 0.27 cents situated at Kannigaipair Village, Uthukottai Taluk, Tiruvallur District.

2.The case of the petitioner is that the petitioner is the mortgagee and the private respondent is the mortgagor. The mortgaged land was acquired by the National Highways Authorities and there is dispute with regard to the apportionment of compensation. Hence, this petition.

3.The learned counsel appearing for the third respondent submitted that the matter will be amicably settled before the Land Acquisition Officer and this Court may direct the petitioner as well as the third respondent to appear before the Land Acquisition Officer for amicable compromise and if the matter is compromised, the Land Acquisition Officer may disburse the compensation amount as per the apportionment arrived at during compromise.



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4. In view of the above, this Court, without going into the merits of the case, directs the petitioner as well as the third respondent to appear before the Land Acquisition Officer for enquiry. The Land Acquisition Officer is directed to hear the petitioner as well as the third respondent under Sections 3 H(3) and 3 H(4) of the National Highways Act. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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M.DHANDAPANI,J.
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