



W.P.No.29901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.29901 of 2022

V. Meena

...Petitioner

Vs.

1. The Special Collector,
(Land Acquisition)
Metropolitan Division,
Alandur, Chennai – 600 016.

2.Special District Revenue Officer,
(Land Acquisition)
Department of Highways,
Metropolitan Division, Alandur, Chennai - 600 016

3. Divisional Engineer,
Chennai Metropolitan Division Plan,
(Division IV), Alandur, Chennai – 600 016.

4. Divisional Engineer
Chennai Metropolitan Division Plan,
(Division II),
Saidapet, Chennai 600 015.

5. Assistant Divisional Engineer,
Office of Building and Maintenance,
Tambaram Sub Division, Chennai 600 042

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to determine and pay the compensation including solatium with statutory interest for the building of the petitioner which was in existence in Survey no: 400A/5 in Medavakkam Village, Velachery Main Road in pursuant to the acquisition proceedings vide Notification No:149/2016-119/Medavakkam/E.Va.Tho.A/ dated 15.02.2016 and pass orders.

For Petitioner : Mr. S. Sai Shankar

For Respondents : Mr. Balamurugan
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to determine and pay the compensation including solatium with statutory interest for the building of the petitioner which was in existence in Survey no: 400A/5 in Medavakkam Village, Velachery Main Road in pursuant to the acquisition proceedings vide Notification No:149/2016-119/Medavakkam/E.Va.Tho.A/ dated 15.02.2016.



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2. The case of the petitioner is that the first respondent has earmarked the petitioner's property for the purpose of constructing flyover and proceedings has been initiated for acquisition under Tamil Nadu Highways Act 2001 and directed the petitioner to demolish the building put up in the area and the petitioner also demolished the building. Thereafter, the compensation amount was determined without taking into account of the a building which is being put up in the subject property. The grievance of the petitioner is that the first respondent without assessing the correct value of the property has fixed a meagre compensation. Hence this petition.

3. The learned counsel for the petitioner submitted that there was a very good infrastructure in the petitioner's land but the first respondent has erroneously fixed a very meagre compensation. Hence he prays this Court to assess the building value and thereafter determine the compensation.

4. Heard both sides and perused the materials available on record.

5. Considering the limited relief sought for by the petitioner this Court



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directs the first respondent to consider the petitioner's petition dated 30.05.2022 and fix the value for the petitioner's property. The said exercise shall be carried out by the first respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above terms, this present writ petition is disposed of. No costs.

11.11.2022

Speaking Order : Yes/ No
Index : Yes/ No

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M.DHANDAPANI,J.

smn

To

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