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W.P.No.31087 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31087 of 2022

V.Sivakumar

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai – 600 009.

2.The Revenue Divisional Officer,
Ambattur Revenue Division,
Anna Nagar Western Extension,
Chennai – 600 101.

3.The Special Deputy Collector (LA),
Tamil Nadu Urban Development Project,
State Highways,
Dr.Singaravellar Malligai (Chennai Corporate Building),
Rajaji Salai,
Chennai – 600 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to pass appropriate orders on the reference / representation made by the petitioner dated 03.10.2022 and 26.10.2022 for assessing the value of the petitioner's property, estimate and pay the appropriate



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compensation along with interest payable from the date of taking possession of the land, as contemplated under Sections 26 to 30 of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), and re-fix the compensation as per the provisions of Schedules I and II and Section 26 (1) (a) and (b) of the Central Act 30 of 2013, within the time frame that may be fixed by this Court.

For Petitioner : Mr.P.B.Ramanujam
For Respondents : Mr.K.Karthik Jeganath
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to pass appropriate orders on the reference / representation made by the petitioner dated 03.10.2022 and 26.10.2022 for assessing the value of the petitioner's property, estimate and pay the appropriate compensation along with interest payable from the date of taking possession of the land, as contemplated under Sections 26 to 30 of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), and re-fix the compensation as per the provisions of Schedules I and II and Section 26 (1) (a) and (b) of the Central Act 30 of 2013.



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2.The learned counsel appearing for the petitioner submitted that the petitioner's land was acquired by the respondents under the Tamil Nadu Highways Act and challenging the said acquisition proceedings, the petitioner filed W.P.No.10592 of 2011 before this Court and this Court vide order dated 24.10.2016 made in the said writ petition upheld the validity of the land acquisition proceedings, however, reduced the extent of the land, however, the respondents have not taken any steps to pay the compensation till date.

3.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to pay appropriate compensation.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.The facts in the present case is the petitioner claim that his land was acquired by the respondents under the Tamil Nadu Highways Act and challenging the said acquisition proceedings,



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the petitioner filed W.P.No.10592 of 2011 before this Court and this Court vide order dated 24.10.2016 made in the said writ petition upheld the validity of the land acquisition proceedings, however, directed the respondents to reduce the extent of the land for acquisition. Accordingly, the respondents reduced the extent of the land to 20 sq.meters.

6.Though the land acquisition proceedings was upheld by this Court, the extent of the land was reduced. Since the writ petition in W.P.No.10592 of 2011 filed by the petitioner was disposed of in the year 2016, the award passed earlier is not applicable to the petitioner and fresh award has to be passed in terms of the order of this Court dated 24.10.2016 made in W.P.No.10592 of 2011 and the petitioner is entitled to receive compensation in terms of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

7.In view of the above, this Court directs the respondents to pass fresh award for the reduced extent of the land acquired, pursuant



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to the order of this Court dated 24.10.2016 made in W.P.No.10592 of

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2011, in terms of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8.The writ petition is accordingly disposed of. No costs.

24.11.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Secretary to Government,
Highways Department,
Fort St.George,
Chennai – 600 009.
- 2.The Revenue Divisional Officer,
Ambattur Revenue Division,
Anna Nagar Western Extension,
Chennai – 600 101.
- 3.The Special Deputy Collector (LA),
Tamil Nadu Urban Development Project,
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Dr.Singaravellar Malligai (Chennai Corporate Building),
Rajaji Salai,

5/6



Chennai – 600 001.

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