



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2022
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33940 of 2019

S.Chellasamy

... Petitioner

Vs

- 1.The Project Director,
National Highways Authority of India,
PIU - 'Sir Tower' DP 34 (SP),
Industrial Estate, Guindy, Chennai - 600 032.
 - 2.Competent Officer and Special District Revenue Officer (L.A)
National Highways Authority of India
(Kancheepuram & Thiruvallur Districts),
No.15, Visalakshi Nagar, Sevalimedu,
Kancheepuram - 631 502.
 - 3.The Revenue Divisional Officer - Ambattur
Office of the RDO, Ambattur.
 - 4.The District Collector,
Chennai District.
(R4 suo motu impleaded vide
order dated 15.10.2020 made in
W.P.No.33940 of 2019 by NAVJ.
- ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Mandamus, praying to direct the 1st respondent to pay the balance compensation amount sum of Rs.16,09,920/- along with the interest to the petitioner.

For Petitioner : No appearance
For R1 : Ms.S.R.Sumathi, CGSC
For R2 to R4 : Mr.G.Aneedius, Government Advocate.

ORDER

This writ petition is filed to issue a Writ of Mandamus, directing the 1st respondent to pay the balance compensation amount sum of Rs.16,09,920/- along with the interest to the petitioner.



2. The claim made by the petitioner in this writ petition pertains to a compensation i.e. payable for an extent of 36 sq.mts. in S.No.107/2, Korattur Village, Ambattur Taluk, Thiruvallur District. The letter dated 07.02.2018 addressed to the National Highway Authority of India (NHAI) by the Competent Authority and Special District Revenue Officer (LA), shows that the compensation has to be paid for the left out portion of 36 sq.mts and the National Highway Authority has been requested to pay a sum of Rs.16,09,920/- to the petitioner.

3. The case of the petitioner is that the land comprised in Old S.No.54 and New S.No.791/5, Plot No.13 situated in Koratur Village, Ambattur Taluk of an extent of 1850 sq.ft. was sold by registered sale deed, dated 30.04.1998, vide Doc.No.981 of 1998. The said land was acquired by the Government, however, no compensation was paid to the petitioner, despite his repeated requests. That apart, the petitioner did not even know which authority acquired his land and which authority has sent notice to him. Therefore, the petitioner had made representation on 23.07.2012 before the 4th respondent, thereby, requested either to disburse the compensation for his land or to remove the encroachment made by the authority. However, the said representation was not considered and as such, the petitioner approached this Court by way of writ petition in W.P.No.22443 of 2012. While pending the said writ petition, the petitioner was informed that the National Highways Authority of India had acquired the subject land. Therefore, the petitioner impleaded the National Highways Authority of India as a party to the said writ petition and by order dated 05.11.2013, this Court directed the 1st respondent therein to consider the representation and dispose of the same.

4. Thereafter, the petitioner was paid compensation of Rs.3,99,465/- on 07.03.2014 for an extent of 100 sq.mts of the petitioner's land out of 171 sq.mts. The petitioner received the compensation with objections. The 2nd respondent issued communication dated 08.01.2014 to the petitioner, thereby informed the details of the acquisition of his land. It revealed that the compensation could be received from the 3rd respondent for the balance land measuring 36 sq.mts out of 171 sq.mts. Therefore, the petitioner made representation to the 4th respondent for payment of compensation. Since there was no reply, the petitioner was constrained to approach this Court in W.P.No.23755 of 2015. By order dated 12.12.2017, this Court directed the 3rd respondent herein to disburse the balance compensation. In the meanwhile, the 2nd respondent, by private negotiation, agreed to pay a sum of Rs.16,09,920/- as compensation for the land of an extent of 36 sq.mts. However, no compensation amount was paid and as such the petitioner filed a contempt petition before this Court in Cont.P.No.1169 of 2019.



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At the time of hearing the contempt petition, the 3rd respondent submitted a report and it revealed that the subject land was not acquired by them and therefore, they could not pay any compensation. Recording the same, this Court disposed of the contempt petition on 14.10.2019.

5. Again the petitioner made representation on 18.10.2019 requesting the respondents to pay the balance compensation. While pending the writ petition, this Court directed the 4th respondent to conduct enquiry and file a report. Accordingly, the 4th respondent conducted enquiry and filed a counter affidavit. The counter revealed that the land comprised in Old S.No.791/5A present T.S.No.107/1, Block 13, Ward E of Korattur Village of Ambathur Taluk of an extent of 0.04 cents of land, was acquired by the Special Tahsildar (LA), National Highways under the Land Acquisition Act, 1894, in the year 1990. After the acquisition of the said land, an award was passed in Award No.3 of 1990, dated 31.07.1990. The compensation was awarded at Rs.2656/- and it was ordered to be paid to the land owners. It had been kept under the Revenue Deposit. Subsequently, it has lapsed in the Revenue Deposit and it has been non-active for so many years. If the original land owners proved their title of the property, the said amount will be revalidated and paid to the petitioner.

6. It had been further revealed that land of an extent of 100 sq.ft. of land, comprised in Old S.No.791/5A, present T.S.No.107, Block 13, Ward E, was acquired by the Special District Revenue Officer (LA) National Highways Authority and thereafter, award was also passed in Rc.No.59/009/A/NH/TVR, dated 31.03.2011 and the compensation amount of Rs.4,43,850/- was duly disbursed to the petitioner. In respect of 36 sq.mts of land, in the same survey number, though private negotiation was initiated, there was no records to show that it has been sent to the 1st respondent's office for further action. Thereafter, no award / private negotiation proposal was received by the concerned Government authority namely, the Special District Revenue Officer, Kancheepuram District and Thiruvallur District for financial implication as claimed by the petitioner.

7. In view of the above facts and circumstances, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

smv



To

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Chennai District.

+1 cc to Government Pleader Sr.NO. 6448

W.P.No.33940 of 2019

KSM(CO)

A.SK(23.02.2022)