



WEB COPY

WP No.1172 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.1172 of 2023

Bhoopathy Rajaraman

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Cuddalore District.
- 2.The Project Director,
National Highways Authority of India,
No.54, 1st Floor, Nadarajapuram,
North Colony, Medical College Street,
Thanjavur-613 004.
- 3.The Competent Authority and Special
District Revenue Officer,
Special District Revenue Officer (Land Acquisition),
National Highway-45C,
District Collector Office,
Villupuram.



4.The Special Tahsildar (Land Acquisition),
NH-45, Kattumannarkovil Taluk Division-3,
Sethiyathope-608 702,
Cuddalore District.

5.The Revenue Divisional Officer,
Chidambaram-608 001,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent-the Competent Authority-District Revenue Officer (LA), National Highways to set aside the compensation fixed by the Incompetent Authority (Special Tahsildar), Land Acquisition, Villupuram) and determine the compensation on considering the market value of the land and cost of the building and fix the compensation under RFCTLARR Act, 2013 for the acquired land and building in S.F.No.2/1D1, situated at Main Road, Aranthangi Village, Karunakaranallur Madhura, Kattumannarkoil, Cuddalore District, on considering the representation of the petitioner dated 02.11.2022.

For Petitioner : Mr.R.Venkatesulu

For Respondents-1, 3 to 5: Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-2 : Mr.Su.Srinivasan,
Standing Counsel for National
Highways Authority of India.



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ORDER

The relief sought for in the present writ petition is to direct the third respondent-the Competent Authority-District Revenue Officer (LA), National Highways to set aside the compensation fixed by the Incompetent Authority (Special Tahsildar), Land Acquisition, Villupuram) and determine the compensation on considering the market value of the land and cost of the building and fix the compensation under RFCTLARR Act, 2013 for the acquired land and building in S.F.No.2/1D1, situated at Main Road, Aranthangi Village, Karunakaranallur Madhura, Kattumannarkoil, Cuddalore District, on considering the representation of the petitioner dated 02.11.2022.

2. The petitioner states that the land and building belonged to her was acquired for National Highway Projects. Pursuant to the Notification issued in the year 2014, the land and building belonged to the petitioner was acquired.



3. The grievance of the petitioner was that the compensation was determined erroneously at the initial stage by not conducting the survey and valuation property. The re-survey and re-valuation were conducted and the Land Acquisition Officer fixed the compensation of Rs.27,35,130/-. Even the said amount has not been paid to the petitioner in full.

4. The learned counsel for the petitioner states that a sum of Rs.16,63,648/- was initially paid and part amount of Rs.4 lakhs was paid after filing the present writ petition.

5. The amount determined by the Special Officer (Land Acquisition) i.e., a sum of Rs.27,35,130/- has not been paid to the petitioner and more-so, the Award is yet to be passed.

6. Since the Authorities had re-valued the property and determined the compensation as Rs.27,35,130/-, the said amount is to be paid immediately to the petitioner. Simultaneously, the Award is to be passed, enabling the petitioner to file further application under the



provisions of the Land Acquisition Act, seeking enhancement of compensation or otherwise.

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7. In view of the facts and circumstances, the third respondent is directed to settle the determined compensation of Rs.27,35,130/- in favour of the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order and simultaneously pass the Award and communicate the same to the writ petitioner. On receipt of the Award, the petitioner is at liberty to file an appropriate application, seeking enhancement of compensation or for the redressal of any other grievances, as the case may be.

8. With the above observations, the present writ petition stands disposed of. However, there shall be no order as to costs.

26-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

Svn

To

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