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W.P.No.1826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.1826 of 2023

Rabi Venkatesan

... Petitioner

Versus

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Land Acquisition Officer,
cum Revenue Divisional Officer,
Tambaram, Kancheepuram District.

3. The Secretary to Government,
Highways Department,
Secretariat, Chennai 09.

4. The Divisional Engineer,
(Highways), East Coast Road Project,
Mamallapuram.

5. The Special Tahsildar, (LA)
Land Acquisition Unit II, East Coast Road Project,
Big Melamaiyur, Chengalpattu.

6. The Tamil Nadu Development Corporation (TNRDC)
Rep. By its Managing Director,
No.171m II Floor, Tamil Nadu Maritime Board building,
RA Puram, Chennai-39.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to pay a sum of Rs. 96, 561 /- (Rupees Ninety six thousand five hundred and sixty one only) as awarded in Award No. 1/95 dated 16.8.1995 along with interest to the petitioner within a time frame as fixed by this Honble court and further grant leave/ liberty to the petitioner to make enhancement of compensation.

For Petitioner : Mr.G.Krishnakumar

For Respondent : Mr.P.Sathish, AGP RR1 to 5

ORDER

This Writ Petition has been filed seeking a direction to the respondents to pay a sum of Rs. 96, 561 /- (Rupees Ninety six thousand five hundred and sixty one only) as awarded in Award No. 1/95 dated 16.8.1995 along with interest to the petitioner and further grant leave/ liberty to the petitioner to make enhancement of compensation.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 5.

3. It is the main contention of the petitioner that the petitioner purchased a subject property by way of a registered sale deed dated 18.04.1986 in document No.2063 of 1986 and the petitioner is in possession of the property and patta



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has also been issued in favour of the petitioner. Such being the position, the petitioner received a notice from the second respondent in the year 2014 stating that the subject property was acquired under award No.1/95 dated 16.08.1995 for public purpose and an award was passed. However, the petitioner has not been received the compensation till date and Hence, he seeks a direction.

4. It is relevant to note that on the earlier occasion, the petitioner has filed a writ petition before this Court in W.P.No.34281 of 2014 challenging the acquisition proceedings and this Court vide its order dated 19.04.2022, dismissed the same and the relevant paragraph is extracted hereunder:

" 7. From the above, it is evident that the Hon'ble Supreme Court has settled all the issues, including the grounds raised by the petitioner. That apart, the acquisition proceedings have been completed and the subject land was taken over by the Government and the said project was also completed by the Government. Further the requisitioning body also deposited the compensation as awarded by the Land Acquisition Officer and the petitioner has also received the said compensation. Therefore, the petitioner failed to satisfy the twin requirements under Section 24 (2) of the Act, i.e., the physical possession of the land was not taken and the compensation has not been paid/tendered/deposited in accordance with law. In view of the dictum laid down by the Hon'ble Supreme Court, the issues raised by



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the petitioner having been settled, the acquisition proceedings have not lapsed by operation of law under Section 24 (2) of the new Act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. "

5. This Court taking notice of the fact that the amount has been received by the petitioner and the possession was taken over by the Government and the acquisition proceedings were completed, finally, the writ petition was dismissed. Such view of the matter, again the petitioner has filed the present writ petition with similar relief which is not maintainable.

6. Now, it is the contention of the petitioner that he has not received any compensation amount so far. If such contention is true, it is well open to the petitioner to seek appropriate review of the order in the writ petition before the same Judge. Despite the fact that there is a clear finding recorded in this regard and the petitioner has filed the present writ petition with same prayer, it is nothing but abuse of process of law.

7. In the result, the writ petition is dismissed with a cost of Rs.5,000/- (Rupees Five Thousand only) payable to CJ Relief Fund, High Court of Madras,



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Chennai within a period of two weeks from the date of receipt of a copy of this order.

27.01.2023

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N.SATHISH KUMAR, J.



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