



WEB COPY

W.P.No.2711 & 2719 of 2019, 3177 of 2
658, 659 & 21594 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2711 & 2719 of 2019, 3177 of 2020, 658, 659 & 21594 of 2023
and
W.M.P.Nos.3683 of 2020, 602, 603, 20968 & 20969 of 2023

W.P.No.2711 of 2019

Mr.M.Agil

... Petitioner

Vs.

- 1.The Special District Revenue Officer (LA),
National Highways,
Kancheepuram & Tiruvallur District
At Kancheepuram.
- 2.The Director,
Directorate of Vigilance and Anti
-corruption Department,
Chennai -16.
- 3.The Superintendent of Police,
CBCID, Chennai.
- 4.The Secretary to Government,
Home Department,
Secretariat, Chennai – 600 009.



WEB COPY



5. The Inspector General of Registration, 100,
Santhome High Road, Pattinapakkam,
Chennai – 600 028.

6. The Director General of Police,
Mylapore,
Chennai – 600 004.

... Respondents

[R2, R3 Impleaded vide Order
Dt 29.10.2021]

[R4 to R6 suo motu impleaded vide
Order dt 17.08.2023]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the written representation of the petitioner dated 05.12.2018 after holding detail enquiry for disbursement of compensation award amount to the acquired land in Survey No.102/4, measuring an extent of 24 Cents, the land in Survey No.107/1 measuring an extent of 56 Cents, the land in Survey No.107/1 measuring an extent of 62 Cents, the land in Survey No.108/1 measuring an extent of 18 Cents, and the land in Survey No.108/1 measuring an extent of 48 Cents, in all totally measuring an extent of 2 Acres 08 Cents (Patta Nos.437, 1119 and 1037) resurveyed Nos.102/4A Pt, 107/1A Pt, and 108/1A Pt, situated at Nemili-A Village at Sriperumbudur Taluk, Kanchipuram District along with awarding of separate proportionate compensation for acquisition of common area involving street and open space common reserved area in the layout namely “VGP CHAKRA TOWN Extension” at Nemili-A Village, at Sriperumbudur Taluk, Kanchipuram District after furnishing certified copy of the award.



W.P.No.2711 & 2719 of 2019, 3177 of 2
658, 659 & 21594 of 2023

For Petitioner

: Mr.M.Ramamoorthy
for Mr.M.Elumalai
[in W.P.No. 2711 & 2719 of 2019]

: Mr.J.N.NareshKumar
[in W.P.No.3177 of 2020]

: Mr.M.Rajeshwaran
for M/s Nathan and Associates.
[in W.P.Nos.658 & 659 of 2023]

: Mr.M.Suresh
[in W.P.No.21594 of 2023]

For Respondents

: Mr.P.Kumaresan,
Additional Advocate General
Assisted by Mr.G.Krishna Raja,
Additional Government Pleader.
and Mr.J.Daniel,
Government Advocate.
[for R1, R4 & R5 in W.P.Nos.2711 &
2719 of 2019]
[for R1 to R3, R6 & R7 in
W.P.No.3177 of 2020]
[for R1 to R3, R6 & R7 in
W.P.Nos.658 & 659 of 2023]
[for R1, R2, R4 & R5 in
W.P.No.21594 of 2023]

: Mr.R.Muniyapparaj,
Additional Public Prosecutor.
[For R2, R3 & R6 in
W.P.Nos.2711 & 2719 of 2019]
[For R19 & R20 in
W.P.No.3177 of 2020]
[For R8 in W.P.Nos.
658 & 659 of 2023]



WEB COPY



W.P.No.2711 & 2719 of 2019, 3177 of 2020
658, 659 & 21594 of 2023

[For R6 in W.P.No.21594 of 2023]

: Mr.Su.Srinivasan
[For R4 in W.P.Nos.3177 of 2020 and
W.P.Nos.658 & 659 of 2020]

: Mr.M.Elumalai
[For R5 in W.P.No.3177 of 2020]

: Mr.S.Nedun Chezhiyan
[For R10, R14 and R15 in W.P.No.
3177 of 2020]

: Mr.M.Jaikumar
[For R8 in W.P.No.3177 of 2020]

: Mr.P.Venkateshan
[For R12, R16 & R17 in W.P.No.
3177 of 2020]

: Mr.R.Karthikeyan
[For R13 in W.P.No.3177 of 2020]

: Mr.S.R.Rajagopal, Senior Counsel for
Mr.K.Balamurali and M/s.Shivakumar
and Suresh
[For R9 in W.P.No.3177 of 2020]

: Mr.M.Ramamoorthy for M.Elumalai
[For R11 in W.P.No.3177 of 2020]

COMMON ORDER

The writ of mandamus has been instituted to direct the respondents to consider and pass orders on written representation submitted by the writ



WEB COPY

petitioner on 05.12.2018 after holding a detailed enquiry for disbursement of compensation award amount to the acquired land in Survey No.102/4, measuring an extent of 24 Cents, the land in Survey No.107/1 measuring an extent of 56 Cents, the land in Survey No.107/1 measuring an extent of 62 Cents, the land in Survey No.108/1 measuring an extent of 18 Cents, and the land in Survey No.108/1 measuring an extent of 48 Cents, in all totally measuring an extent of 2 Acres 08 Cents (Patta Nos.437, 1119 and 1037) resurveyed Nos.102/4A Pt, 107/1A Pt, and 108/1A Pt, situated at Nemili-A Village at Sriperumbudur Taluk, Kanchipuram District along with awarding of separate proportionate compensation for acquisition of common area involving street and open space common reserved area in the layout namely “VGP CHAKRA TOWN Extension” at Nemili-A Village, at Sriperumbudur Taluk, Kanchipuram District after furnishing certified copy of the award.

2.A declaration was made under Section 3(D) of the National Highways Act on 01.01.2018 which was published in the local newspaper namely 'Daily Thanthi.'

3.The subject lands to a large extent were acquired for developing



National Highways Project and the project works are in progress. During the course of hearing, this Court found that there was large scale illegalities and misappropriation of Government funds to the tune of several crores with the active collusion of the Government Authorities. Compensation has been drawn in respect of the Government lands and O.S.R. lands in an illegal manner. The amount of compensation deposited by the National Highways Authority of India was abused and settled in favour of wrong persons and large scale funds were misappropriated.

4.In this context, this Court has elaborately passed an order initially on 29.10.2021. Even after passing interim orders on several occasions, the investigations were not progressed and subsequently the Officials were directed to be present for the purpose of submitting their status report. Accordingly, actions were initiated by the CBCID Wing of the Police Department and criminal cases were registered.

5.The learned Additional Public Prosecutor made a submission that six persons were arrayed as accused in the criminal case, out of which, four persons were arrested. The investigations are in progress and it is brought to



the notice of this Court that a sum of Rs.60 crores are identified and a sum of Rs.20 crores has been recovered.

6.The learned standing counsel appearing on behalf of the National Highways Authority of India made a submission that they have deposited a sum of Rs.531.53 crores in the joint account in respect of the entire acquisition. As per the police investigation, it is found that a sum of Rs.73 crores were misappropriated and the status report filed by the learned Public Prosecutor reveals that actions are in progress. They have collected informations from the District Collector, Kancheepuram and from the other Officials of the Revenue Department and Survey Department, files are being verified and some more files are in the process of verification. Based on the staffs spared by the District Collector, Kancheepuram, the present Special District Revenue Officer, National Highways Authority of India, Kanchipuram formed four teams to assess the records pertaining to the 24 villages out of 30 villages. In respect of certain villages, no irregularities or malpractices are identified and in respect of certain other villages, the illegalities are noticed. The details regarding the investigations are also provided in the status report. At the outset, the report states that strenuous



follow up action is being pursued for the attachment of all the properties of the public servants and private individuals as well. Thus the investigating Police is pursuing and initiating appropriate steps to comply with the directions of this Court in letter and spirit and no public servant/Private individual will be spared in any way.

7.The sincere commitment given on behalf of the CBCID Police Wing is to be honoured in all respects so as to progress the case in an effective manner.

8.This Court raised a question whether the District Collector who served during the relevant point of time was investigated.

9.The learned Additional Public Prosecutor made a submission that the District Collector is yet to be investigated. Thus the Police authorities are directed to investigate the District Collector who was holding the post during the relevant point of time since the District Collector was the overall controller and approving Authority of land acquisition proceedings initiated for the benefit of the National Highways Authority of India. Investigations in



W.P.No.2711 & 2719 of 2019, 3177 of 2
658, 659 & 21594 of 2023

all angles are to be progressed in order to nab the offenders and to recover the misappropriated public funds and as stated in the status report, further actions are to be expedited and the offenders are to be prosecuted in the manner known to law.

10.In view of the assurance given by the CBCID of Police Department, further monitoring by this Court may not be required and the aggrieved parties are at liberty to approach this Court if any lapses or otherwise are found during the course of further investigations.

11.Accordingly, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.09.2023

veda/cse

Index : Yes/No

Speaking order/Non-Speaking Order

Neutral Citation : Yes/No



WEB COPY

W.P.No.2711 & 2719 of 2019, 3177 of 2
658, 659 & 21594 of 2023



To

- 1.The Special District Revenue Officer (LA),
National Highways,
Kancheepuram & Tiruvallur District
At Kancheepuram.
- 2.The Director,
Directorate of Vigilance and Anticorruption Department,
Chennai -16.
- 3.The Superintendent of Police,
CBCID,
Chennai.
- 4.The Secretary to Government,
Home Department,
Secretariat, Chennai – 600 009.
- 5.The Inspector General of Registration,100,
Santhome High Road, Pattinapakkam,
Chennai – 600 028.
- 6.The Director General of Police,
Mylapore,
Chennai – 600 004.



WEB COPY



W.P.No.2711 & 2719 of 2019, 3177 of 2
658, 659 & 21594 of 2023

S.M.SUBRAMANIAM, J.

veda/cse

**W.P.Nos.2711 & 2719 of 2019, 3177 of 2020,
658, 659 & 21594 of 2023**

27.09.2023