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W.P.No.6239 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6239 of 2019

R.Venkatesan

...Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.
- 2.The Chief General Manager (Regional Officer),
National Highways Authority of India (NHAI),
Regional Office,
34, South Phase Sri Towers, 3rd Floor,
Guindy Industrial Estate, (near Olympia),
Guindy, Chennai – 600 032.
- 3.The Project Director (Chennai Region),
National Highways Authority of India (NHAI),
Regional Office,
34, South Phase Sri Towers, 3rd Floor,
Guindy Industrial Estate (near Olympia),
Guindy, Chennai – 600 032.
- 4.The Competent Authority &
The Special District Revenue Officer (L.A),
National Highways Schemes,
Kancheepuram and Thiruvallur District,
At Poonamallee, Chennai – 600 056.



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5.The Special Tahsildar (L.A),
National Highway-5,
Poonamallee, Chennai – 56.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 to 5 to immediately settle the petitioner compensation with all accrued benefits namely solatium, interest and penal interest etc., for the land measuring 43 square meters with building thereon comprised in Survey No.61/2A4C situated at Azhinjivakkam Village, Jaganathapuram (1) Group, Ponneri Taluk, Thiruvallur District acquired by the respondents for the purpose of expansion of National Highway (NH-5) and for the purpose of Six Lane formation as per section 3G of National Highways Act 1956 read with the provisions of The Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, (RFCTLARR ACT) 2013.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

For Respondents 1, 4 & 5: Mr.P.Kumaresan,
Additional Advocate General,
for Mr.D.Ravichander,
Special Government Pleader

For Respondents 2 & 3 : Mr.Su.Srinivasan



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ORDER

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The relief sought for in the present writ petition is to direct the respondents 2 to 5 to immediately settle the compensation to the petitioner with all accrued benefits namely solatium, interest and penal interest etc., for the land measuring 43 square meters with building thereon comprised in Survey No.61/2A4C situated at Azhinjivakkam Village, Jaganathapuram (1) Group, Ponneri Taluk, Thiruvallur District acquired by the respondents for the purpose of expansion of National Highway (NH-5)

2. The petitioner sent several representations to the authorities to settle the compensation in respect of a portion of the land acquired for National Highways projects.

3. The learned counsel for the petitioner states that the lands belonged to the petitioner was acquired and in respect of two portions, the compensation had already been settled. However, in respect of S.No.61/2A4C measuring to an extent of 43 sq.mts and the building thereon has not been considered for determining the compensation nor the petitioner



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has received the compensation. It is contended that the authorities have omitted to determine the compensation in respect of the above portion of the land belonged to the petitioner. Therefore, the present writ petition has been filed.

4. The omission occurred in respect of non payment of the compensation to the petitioner was accepted by the Special Tahsildar, Land Acquisition, National Highways, Poonamallee in his letter dated 16.08.2016. In the said letter, he has stated that the compensation for the said 43 sq.mts belonged to the petitioner was not settled as the said survey number was mistakenly omitted to include in the list.

5. In view of the facts and circumstances, the petitioner is at liberty to appear before the fourth respondent along with the documents within a period of two weeks from the date of receipt of a copy of this order. On such appearance of the petitioner, the fourth respondent is directed to verify the identity and title of the petitioner and accordingly, settle the compensation within a period of four weeks thereafter.



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6. With these directions, the writ petition stands disposed of. No costs.

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Index: Yes

Speaking Order

Neutral Citation: Yes



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S.M.SUBRAMANIAM, J.

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