



W.P.No.12224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12224 of 2023

Sabeena Baskaran

...Petitioner

Vs

- 1.Union of India, rep.by the
Secretary to Government of
India, Ministry of Road
Transport & Highways,
Transport Bhavan, No.1,
Parliament Street, New Delhi-110001.
- 2.The Chairman, National Highways
Authority of India, G5 & G6,
Sector 10, Dwarka, New Delhi.
110075.
- 3.The Regional Officer, NHAI,
Sri Tower, III Floor, DP-34 (SP),
Industrial Estate, Guindy,
Chennai-32.
- 4.The Project Director, NHAI,
Project Implementation Unit,
Sri Tower, III Floor, DP-34 (SP),
Industrial Estate, Guindy,
Chennai-32.
- 5.The Arbitrator/District Collector,
Collector's Office, Thiruvallur.



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6.The Competent Authority &
Special District Revenue Officer,
LA, NH, Kancheepuram &
Tiruvallur Districts, Thiruvallur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay solatium amount at 30% as per Section 23(2) of the Land Acquisition Act, 1894 and an additional amount at 12% per annum as per Section 23(1-A) from the date of Notification to the date of Arbitral Award at Rs.8,070/- per square meter along with interest @ 9% for one year from the date of possession and thereafter at 15% per annum till the date of actual payment as per Section 28 of the said Act, 1894 in respect of the petitioner's land of an extent of 800 sq.m. situated at Pakkam Village in Survey No.296/2B acquired for the purpose of constructing the Chennai Bypass Phase II connecting NH4 at Kilometer 13/800 and NH5 at Kilometer 12/600 in compliance with the judgment of the Hon'ble Supreme Court of India ordered in the case of Union of India Vs. Tarsem Singh.

For Petitioner	: Mrs.AL.Gandhimathi, SC for Mr.L.Palani Muthu
For Respondent-1	: Ms.R.Durgarani, CGSC
For Respondents 2 to 4	: Mr.Su.Srinivasan, St.Counsel
For Respondents 5 & 6	: Mr.P.Sathish, Additional Government Pleader



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking a direction to the respondents to pay solatium amount at 30% as per Section 23(2) of the Land Acquisition Act, 1894 and an additional amount at 12% per annum as per Section 23(1-A) from the date of Notification to the date of Arbitral Award at Rs.8,070/- per square meter along with interest @ 9% for one year from the date of possession and thereafter at 15% per annum till the date of actual payment as per Section 28 of the said Act, 1894 in respect of the petitioner's land of an extent of 800 sq.m. situated at Pakkam Village in Survey No.296/2B acquired for the purpose of constructing the Chennai Bypass Phase II connecting NH4 at Kilometer 13/800 and NH5 at Kilometer 12/600 in compliance with the judgment of the Hon'ble Supreme Court of India ordered in the case of Union of India Vs. Tarsem Singh. In this regard, the petitioner gave a representation dated 03.2.2021 to respondents 5 and 6.



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3. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authorities would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to respondents 5 and 6 to consider the petitioner's representation dated 03.2.2021, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.



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No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The Secretary to Government of India, Ministry of Road Transport & Highways, Transport Bhavan, No.1, Parliament Street, New Delhi-110001.
2. The Chairman, National Highways Authority of India, G5 & G6, Sector 10, Dwarka, New Delhi. 110075.
3. The Regional Officer, NHAI, Sri Tower, III Floor, DP-34 (SP), Industrial Estate, Guindy, Chennai-32.
4. The Project Director, NHAI, Project Implementation Unit, Sri Tower, III Floor, DP-34 (SP), Industrial Estate, Guindy, Chennai-32.
5. The Arbitrator/District Collector, Collector's Office, Thiruvallur.
6. The Competent Authority & Special District Revenue Officer, LA, NH, Kancheepuram & Tiruvallur Districts, Thiruvallur.

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M.S.RAMESH,J.

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