



W.P.No.15717 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15717 of 2023

Pandian

... Petitioner

Vs.

1.The District Collector
Chengalpattu District.

2.The Special District Revenue Officer
Mamallapuram-Puducherry Express Road Project-III
Chengalpattu Unit,
Chengalpattu District.

3.The Revenue Divisional Officer,
Maduranthagam,
Chengalpattu District.

4.The Special Tahsildar
Mamallapuram-Puducherry Express Road Project
Chengalpattu Unit,
Chengalpattu District.

5.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents, particularly the second respondent, to forthwith determine and pay compensation to the petitioner under the National Highways Act for having acquired the building put up by his in Survey No.241/7 in Mugaiyur Village, Cheyyur Taluk, Chengalpattu District, within a time limit that may be specified by this Court.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to forthwith determine and pay compensation to the petitioner under the National Highways Act for having acquired the building put up by him in Survey No.241/7 in Mugaiyur Village, Cheyyur Taluk, Chengalpattu District.

2. The subject land in occupation of the family of the petitioner's was taken up for expansion of National Highways and it is subsequently found that the land occupied by the petitioner is belonging to the Government. However, the petitioner constructed superstructure by investing huge amount.



There is a provision under the Act to pay compensation in respect of the superstructure made in Government Poromboke lands.

WEB COPY

3. The learned counsel for the petitioner states that a representation was sent to the authorities to assess the value of the superstructure and to pay compensation accordingly. Since it was not made, the petitioner approached this Court.

4. The learned Government Advocate appearing on behalf of the respondents now furnished the copy of the order passed by the Project Director, National Highways Authority of India in proceedings dated 30.06.2023, stating that the compensation amount of Rs.13,95,709/- has been approved by the competent authorities.

5. Accordingly, the Special District Revenue Officer LA-NH is requested to disburse the compensation with the available fund to the writ petitioner. In view of the order passed by the Project Director, National Highways Authority of India, the Special District Revenue Officer (Land Acquisition), National Highways Authority of India, Kanchipuram has to



disburse the compensation amount to the legal heirs of the petitioner, since the original petitioner died during the pendency of the writ petition.

WEB COPY

6. Thus, the legal heirs of the original writ petitioner Mr.Pandian are at liberty to submit required documents and in the event of furnishing such documents, the Special District Revenue Officer (Land Acquisition) is directed to disburse the compensation amount as per the sanction order issued by the Project Director, National Highways Authority of India dated 30.06.2023 within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

07.07.2023

Kak/Jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

- 1.The District Collector
Chengalpattu District.
- 2.The Special District Revenue Officer
Mamallapuram-Puducherry Express Road Project-III
Chengalpattu Unit,
Chengalpattu District.
- 3.The Revenue Divisional Officer,
Maduranthagam,
Chengalpattu District.
- 4.The Special Tahsildar
Mamallapuram-Puducherry Express Road Project
Chengalpattu Unit,
Chengalpattu District.
- 5.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.



WEB COPY



W.P.No.15717 of

S.M.SUBRAMANIAM, J.

Kak/Jeni

W.P.No.15717 of 2023

07.07.2023