



WEB COPY



W.P.No.19924 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19924 of 2023
and
W.M.P.No.19280 of 2023

R.B.Vishal

... Petitioner

Vs.

1.The District Collector,
Chennai-01.

2.The Special District Revenue Officer,
Land Acquisition,
Greater Chennai Division,
Alandur, Chennai-600016.

3.The Tahsildar,
Office Of The Thasildar,
Sholinganallur, Chennai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents from dispossessing the petitioner without payment of compensation unilaterally determined by the respondents under Section 19(3) and 19(6) of the Tamil Nadu State High Ways Act 2001.



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For Petitioner : Mr.M.Balasubramanian
For Respondents :
(for R1 & R3) : Mr.G.Krishnaraja,
Additional Government Pleader

ORDER

The relief sought in the present writ petition is to forbear the respondents from dispossessing the petitioner without payment of compensation unilaterally determined by the respondents under Section 19(3) and 19(6) of the Tamil Nadu State High Ways Act 2001.

2.The portion of the land belonging to the petitioner was acquired for public projects. The grievances of the writ petitioner is that the compensation determined has not been paid and the legal notice sent in this regard was also not responded by the Land Acquisition Officer. Thus the petitioner is constrained to move the present writ petition.

3.In view of the fact that the compensation due to the petitioner has not been paid without any valid reason as per the petitioner, this Court directed the Land Acquisition Officer to be present. The Land Acquisition Officer filed a status report stating that the subject property acquired has



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been mortgaged by the petitioner in a private bank. Unless the petitioner furnished the title deed, the Land Acquisition Officer will not be in a position to settle the compensation for the portion of the land acquired. The learned Additional Government Pleader brought to the notice of this Court that the amount of mortgage is also huge and unless the documents are produced, the authorities will not be in a position to pay the compensation.

4. Authorities are not expected to wait for the response from the land losers in the matter of settlement of compensation. Section 21(2) of the Tamil Nadu Highways Act, 2001, enumerates that *“When the amount has been determined under section 19, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute for the decision of the Court”*. In the event of any such dispute, mortgage of the acquired property or otherwise, the issues are to be referred to the Court for the purpose of resolving the same. Contrarily, the Acquisition Officers are not expected to contact the parties or negotiate with them unnecessarily when the property has already been mortgaged.



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5.In the present case, the learned counsel for the petitioner now submits that the petitioner has initiated action for getting back the original title deed and it will be presented before the Land Acquisition Officer. In the event of such presentation, the compensation due to the petitioner is to be settled without any further delay.

6.With these directions, the writ petition stands **disposed of**. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

13.07.2023

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S.M.SUBRAMANIAM. J.,

(sha)

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