



W.P.No.19698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.19698 of 2023
and
W.M.P.No.18988 of 2023

T.Balakrishnan

... Petitioner

versus

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 3.Special District Revenue Officer (Land Acquisition),
Ambattur Industrial Estate.
- 4.Special District Revenue Officer (Land Acquisition),
integrated Chief Engineer Office,
76, Sardar Patel Road, Guindy,
Chennai – 600 025.
- 5.Special Tahsildar (Land Acquisition),
Wing 3 Chennai Peripheral Road Scheme,
No.2, Lal Bahadur Shastri Street,
Periyakuppam, Tiruvallur – 602 001.

Pg.Nos.1/10



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6.Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai – 600 009.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to refer for determination and enhancement of compensation to the authority under The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 vide Award No.05/2021 dated 10.08.2021 in the proceedings in Na.Ka.No.3957/2014/F1 dated 02.02.2021 with respect to Survey No.373/2A1A/1A1A Part Old S.Nos.403 and 404 T.S. 49 Thandarai (Pattabiram) Village, Avadi Taluk, Tiruvallur District for the purpose of Railway over bridge at Gate No.2.

For Petitioner : Mr.A.Prasanna Venkat
for M/s.APR Associates

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The petitioner seeks for issuance of a Writ of Mandamus to direct the second respondent to refer the matter for determination and enhancement of



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compensation to the Authority as provided under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, vide Award No.05/2021, dated 10.08.2021, based on the proceedings in Na.Ka.No.3957/2014/F1, dated 02.02.2021, in respect of the property in Survey No.373/2A1A/1A1A Part, Old S.Nos.403 and 404 T.S. 49 Thandarai (Pattabiram) Village, Avadi Taluk, Tiruvallur District, which was acquired for the purpose of Railway Over Bridge at Gate No.2.

2. The case of the petitioner is that he is the absolute owner of the property comprised in S.Nos.403 and 404, now T.S.No.49 Part of Thandarai (Pattabiram) Village, Avadi Taluk, Tiruvallur District. The petitioner claims that the lands in question were acquired by the second respondent/District Revenue Officer for the purpose of construction of Railway Over Bridge at Gate No.2, Railway Level Crossing under the provisions of the Tamil Nadu Highways Act, 2001, vide proceedings in Na.Ka.No.3957/2014/F1, dated 02.02.2021. While so, an Award has been passed, vide Award No.05/2021 dated 10.08.2021, fixing an amount of Rs.41,73,503/- as total compensation. Further, the alleged Award amount was credited to the



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account of the petitioner on 21.01.2022. However, due to Covid-19 Pandemic situation, he could not take steps for filing an appeal for enhancement of compensation before the concerned Tribunal.

3. It is the claim of the petitioner that he was not furnished with the Award copy, even after the stamped endorsement was made in the petitioner's original Sale deed by the Authority concerned. Hence, the petitioner had given a representation to the second respondent on 25.06.2022, in and by which, he sought to furnish the copy of the Award and to refer the matter for enhancement of compensation as provided in the relevant statute. However, the second respondent neither furnished the Award Copy nor referred the matter for enhancement, and hence, the petitioner earlier filed two writ petitions in W.P.Nos.23845 and 23849 of 2022 and this Court, by order dated 06.09.2022, directed the respondents therein to consider the representation of the petitioner. Since the respondents have not considered the same till date, the present Writ Petition is filed by the petitioner for the relief stated supra.



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4. The learned Government Advocate appearing for the respondents by referring to the counter affidavit, contended that the lands in question were originally acquired for the purpose of constructing the Rail Over Bridge in lieu of L.C.No.2. After adopting the procedures, an Award enquiry was conducted on 17.02.2021 under Sections 19(5) and 19(7) of the Tamil Nadu Highways Act, 2001 and the petitioner also participated in the said enquiry and the Award has also been passed, vide Award No.5 of 2021. While so, the Award amount was paid through ECS in the account of the petitioner on 21.01.2022. He further contended that, after a lapse of four months from the date of receiving of compensation, the petitioner had given a representation dated 25.06.2022. The petitioner suppressed the fact of receipt of the compensation, vide order of the Tahsildar, Avadi on 21.01.2022 and made the representation on 25.06.2022. He further contended that, the land acquisition proceedings initiated by invoking the Tamil Nadu High Ways Act, 2001 (Tamil Nadu Act 34 of 2002), for determining the higher compensation, as requested by the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, are not applicable to the case on



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hand.

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5. Heard both sides and perused the materials available on record.

6. It is seen from the records that the respondents have deposited the compensation amount through ECS in the account of the petitioner on 21.01.2022. At the time of receiving the compensation, the petitioner has not made any objections, however, after lapse of four months, he has given the representation dated 25.06.2022 for enhancement of compensation by furnishing a copy of the Award. Suppressing the above said fact, the petitioner earlier filed writ petitions in W.P.Nos.23845 and 23849 of 2022 and this Court had directed the respondents to consider the representation of the petitioner dated 25.06.2022.

7. Neither the petitioner made protest to receive the Award amount, nor made any application before the concerned Tribunal for enhancement of the compensation. After the lapse of Covid-19 limitation period, he cannot file the present writ petition. Therefore, the reasons stated by the petitioner



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are not correct. The petitioner has not approached this Court with clean hands and suppressed the material fact that as if he is not aware of the Award, or not received any Award amount. Hence, this writ petition is not maintainable.

8. Considering the facts and circumstances, the petitioner is not entitled to get any relief as sought for in this writ petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The District Revenue Officer,
Thiruvallur District,

Pg.Nos.7/10



Thiruvallur.



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- 3.The Special District Revenue Officer (Land Acquisition),
Ambattur Industrial Estate.
- 4.The Special District Revenue Officer (Land Acquisition),
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- 5.The Special Tahsildar (Land Acquisition),
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P.VELMURUGAN, J.

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