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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.3192 and 3194 of 2023

The Project Director
National Highways Authority of India
Project Implementation Unit – Chennai
"SRI TOWER", 3rd Floor, DP – 34 (SP)
Industrial Estate, Guindy
Chennai – 600 032.

.. Appellant in both W.As

Vs.

1. R.Madhana Gopal

2. The Arbitrator and District Collector
Tiruvallur.

3. Special District Revenue Officer (Land Acquisition)
National Highways 205, No.3&4
Lal Bagadthur Sasthiri Street
Periyakuppam Railway Station
(Near) Thulasi Theatre
Thiruvallur – 602 001.

.. Respondents in both W.As

Prayer in W.A.No.3192 of 2023: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.24563 of 2021 dated 17.11.2021;

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Prayer in W.A.No.3194 of 2023: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.24590 of 2021 dated 17.11.2021.

For the Appellant : Mr.S.Srinivasan
in both W.As

For the Respondents : Mrs.R.Anitha
in both W.As Special Government Pleader
for R2 & R3

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Heard Mr.Su.Srinivasan, learned counsel for the appellant and Mrs.R.Anitha, learned Special Government Pleader for respondents 2 and 3.

2. Learned counsel for the appellant and learned Special Government Pleader are *ad idem* that the present matters are covered by the order of this Court dated 23.08.2023 in W.A.No.1970 of 2023 and etc. batch.

3. In the light of that, we follow the same course and pass the following orders:



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(i) In some of the appeals, this Court had directed the present appellant to deposit 50% of the amount of enhanced compensation, which according to the learned counsel for the appellant, has been complied with and the 50% of the amount is deposited. The 50% of the amount already deposited shall be transferred to the Court of the concerned District Judge, where the application filed by the appellants under Section 34 of the Act of 1996 is pending;

(ii) In other appeals, where the amount of 50% of the enhanced compensation amount is not deposited, the same shall be deposited by the present appellant with the concerned Court within a period of ten weeks from today;



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(iii) The original petitioner is at liberty to apply for the withdrawal of the amount, which application shall be considered by the concerned District Judge, on its own merits and after hearing all parties concerned, appropriate orders shall be passed;

(iv) The present appellant may also seek further orders on the stay petition before the learned District Judge;

(v) Depending upon the order, that may be passed by the learned District Judge on the application of the original petitioner for withdrawal of the amount, further steps may be taken with regard to the amount, if lying in the Court, such as to invest the same in a Nationalised Bank or otherwise;

(vi) Considering the huge amount involved, the learned District Judge, with whom the application



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under Section 34 of the Act of 1996 is pending, may endeavour to decide the application under Section 34 of the Act of 1996 expeditiously.

4. In view of the aforesaid, these writ appeals stand disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.26151 & 26145 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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