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W.A.No.1013 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.1013 of 2017

Mr.A.V.Arunachalam

..

Appellant

v.

1. The Secretary to Government
Public Works Department (Highways)
Fort St.George
Chennai 600 009
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Chengalpattu
3. The Special Deputy Collector
(Land Acquisition)
Poonamallee
Chennai
4. The Divisional Engineer
Highways Department
Chengalpattu
Tamil Nadu 603 001



W.A.No.1013 of 2017

5. The Chief Executive Officer
Tamil Nadu Road Development
Company Ltd.,
No.346, Sindu Pantheon Plaza
Pantheon Road
Egmore, Chennai 600 008

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.08.2015 made in W.P.No.27190 of 2014.

For Appellant :: Mr.T.Thiageswaran for
M/s Waraon and Sai Rams

For Respondents :: Mr.S.Silambanan
Additional Advocate General
assisted by Mr.U.M.Ravichandran
Special Government Pleader
for R1 to R4
Mr.S.Sivavarthanan for R5

JUDGMENT

(Judgment of the Court was made by D.KRISHNAKUMAR,J.)

The instant intra-Court appeal is directed against the order dated 19.08.2015 passed in Writ Petition No.27190 of 2014.

2. Although the appellant/writ petitioner unsuccessfully challenged the acquisition proceedings initiated by the respondents in respect of the



W.A.No.1013 of 2017

land to an extent of 0.05.0 Hectares comprised in Survey No.86/1B owned by the appellant/writ petitioner situated at Kannattur Reddy Kuppam Village, Kancheepuram District for the purpose of widening of the East Coast Road to four lanes from two lanes, the learned counsel appearing for the appellant submitted that since the respondents have already taken possession of the property in question during the pendency of the appeal, the learned counsel sought for granting liberty to the appellant to approach the authority concerned seeking for enhancement of the compensation under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if he is eligible.

3. However, the learned Additional Advocate General appearing for the respondents 1 to 4 submitted that the compensation amount has already been deposited under Section 30 & 31 of the Land Acquisition Act, 1894 in respect of the entire extent acquired from the appellant/writ petitioner.

4. Having heard the learned counsels appearing for the parties, without expressing any opinion on the merits of the contentions raised



W.A.No.1013 of 2017

before us, we only grant liberty to the appellant to approach the authority concerned seeking for enhancement of the compensation amount and if any such application is received, the same may be considered by the authority concerned on its own merits and in accordance with the statutory provisions of law, if he is otherwise entitled to. With the aforesaid liberty, the writ appeal stands dismissed. Consequently, C.M.P.No.14275 of 2017 is also dismissed. There shall be no order as to costs.

(D.K.K.,J.)

(P.B.B.,J.)

07.09.2023

Index : yes/no

Neutral citation : yes/no

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W.A.No.1013 of 2017

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