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W.P.No.29712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WP No.29712 of 2023

S.Perumalsamy

.... Petitioner

-Vs-

1. The Collector,
Chengalpattu District.

2. The Special District Revenue Divisional Officer,
(Land Acquisition),
Chennai Kanniyakumari Industrial Corridor Project,
No.16, Visalatchi Nagar, Sevilimedu,
Kancheepuram - 631 502

3. The Assistant Engineer,
Highways
Chennai Kanniyakumari Corridor Project,
Kancheepuram

.... Respondents

Prayer :- Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus directing the 2nd
respondent to consider the representation of the petitioner dated
29.08.2022 for the payment of compensation in respect of septic tank to



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an extent of 0047 Sq.mtr in Old S.No.835 B/36, New S.No.1237/3 B,
JSRO Athur, Chengalpattu District enhancement of compensation.

For Petitioner : Mr.S.Annakodi
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed for a direction to the 2nd respondent to consider the representation made by the petitioner representation dated 29.08.2022, seeking for payment of compensation in respect of septic tank to an extent of i.e 0047 Sq.mtr in Old S.No.835 B/36, New S.No.1237/3B, JSRO Athur, Chengalpattu District and also for enhancement of Compensation.

2. The case of the petitioner is that he is the absolute owner of the property viz., house and land measuring to an extent of 3375 Sq. Ft at Plot No.9, Kancheepuram High Road in Grama Natham S.No.835 B/36, having purchased the same by virtue of a registered sale deed dated 30.03.1992 as Doc.No.767 /1992, JSRO, Chengalpattu. The Government has acquired the said property to an of 0058 Sq. mtr under



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Section 15(2) of the Tamil Nadu Highways Act, 2001 after giving notice to the petitioner on 04.05.2020. The petitioner has sent a reply to the said show cause notice. The second respondent had fixed a sum of Rs.24,15,392/- as compensation for the acquired land by their award dated 17.11.2021. However, the 2nd respondent had not paid the compensation for the area where the septic tank was constructed within the acquired land of 0058 Sq.mt. The actual compensation paid by the 2nd respondent is not in tune with the market value prevailing in that area and the amount awarded is wholly inadequate. The grievance expressed by the petitioner is that when he approached the 2nd respondent, he was asked to give a representation. Therefore, the petitioner gave a representation dated 29.08.2022 to the 2nd respondent seeking for payment of compensation for the above said septic tank and also for consideration of enhancement of compensation. The second respondent also by letter 10.10.2022, forwarded the petitioner claim for paying the compensation for the septic tank to the Zonal Engineer, Highways Chennai to Kanyakumari Corridor project for consideration. Since no action has been taken by the authorities, the present writ



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petition has been filed before this Court seeking for appropriate directions.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for respondents 1 to 3 and submits that if a period of twelve weeks time is granted, the respondents would consider the representation of the petitioner and pass appropriate orders.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Considering the submission of the learned counsel for the petitioner, without going into the merits of the case, there shall be a direction to the Zonal Engineer, Highways Chennai to Kanyakumari Corridor project, Kancheepuram, to consider the petitioner representation dated 29.08.2022 on its own merits and in accordance with law and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. This Writ petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

To

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