



W.P.No.30826 of 2023
and WMP.No.30501 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30826 of 2023

and

WMP.No.30501 of 2023

1.M.A.Gani

2.Asif Ahmed

...

Petitioners

/vs/

1.The District Collector,
Chengalpet District,
Chengalpet-600 012.

2.The Special Tahsildar,
(Land Acquisition)
Chennai-Kanniyakumari Industrial
Corridor Scheme & Inner-Ring Road Project
Cheyur Unit @ Sothupakkam,
O/o the District Revenue Officer,
Collectorate Office,
Cheyyat-Kancheepuram Road,
Gandhi Nagar, Thaiyarkulam,
Kancheepuram – 635 501.

3.The District Revenue Officer,
Chengalpet, Kancheepuram District,
Kancheepuram – 635 501.



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4. The Secretary to Government
Highways (NH2) Department,
HRS Campus, 76, Sardar Patel Road,
Little Mount, Guindy, Chennai-600 025.

5. The Divisional Engineer,
Project Division,
Plot No.B-70, New T.S.No.9,
Alaskan Nagar, Chenglepet – 603 001. ... Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's late wife representation dated 13.07.2021 and petitioner's notice dated 15.02.2023 with regard to the acquisition of the property belong to deceased A.R.Farida bearing Plot No.150 measuring 97.65 square meters or 1051 sq.ft., or thereabouts situated in Chelliamman Nagar, Kilambakkam, Vandalur, Chennai – 45, comprised in Survey No.159, Kilambakkam Village, Vandalur Taluk, Chenglepet District and to fix the compensation amount and pay the petitioners upon prevailing market value as per the provisions of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners	...	Mr.S.L.Sudarsanam
For Respondents	...	Mr.V.Veluchamy Additional Government Pleader



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ORDER

The writ petition has been filed to issue a Writ of Mandamus directing the respondents to consider the petitioner's late wife representation dated 13.07.2021 and petitioner's notice dated 15.02.2023 with regard to the acquisition of the property belong to deceased A.R.Farida bearing Plot No.150 measuring 97.65 square meters or 1051 sq.ft., or thereabouts situated in Chelliamman Nagar, Kilambakkam, Vandalur, Chennai – 45, comprised in Survey No.159, Kilambakkam Village, Vandalur Taluk, Chenglepet District and to fix the compensation amount and pay the petitioners upon prevailing market value as per the provisions of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.The learned counsel appearing for the petitioners submitted that the wife of the first writ petitioner is the owner of the property and the Government also accepted her ownership and granted compensation for the superstructure. However, they failed to pay the compensation for the land. Hence, the present writ petition has been filed.



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3.The learned Additional Government Pleader appearing for the respondents submitted that the building compensation amount has already been paid to the wife of the first writ petitioner. As per the records, the land is a Government Poromboke land. Hence, the petitioners cannot claim the compensation under Right to Fair Compensation Act, 2013. Hence, the writ petition is liable to be dismissed.

4.I have considered the matter in the light of the submissions made by the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5.On a perusal of the records, it is seen that admittedly, the land is Slums Clearance Board Land and they granted the land to the landless poor with an agreement and fixed the land cost and directed to pay the consideration with the installements considering the economical condition of the landless poor. The amount of installment is very meagre about only 68 rupees and 20 years time also granted for the payment of the cost of the



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land and one of the conditions mentioned in the agreement that if they failed to pay the installment for continuous period of three months/three installments, they would loose the rights of the land and the installment already paid would also be lapsed. As per the abovesaid condition, the first petitioner got the land and put up the superstructure and obtained the compensation to both the land and superstructure, whereas, with regard to the disputed land allotted to the petitioner's wife, the first petitioner's wife got the compensation of the amount for the superstructure which was spent. In respect of the land, the petitioners did not produce any document that as per the agreement, the wife paid all the installments without any default. On the contrary, the petitioners' counsel would submit that they had paid the installments with delay along with penalty when there is no provision in the agreement for the same. If at all they paid the installment, the Government could have granted patta and compensation for the land. The first petitioner has not proved that his wife is the owner of the land, however, her superstructure was recognised and compensation was granted. Therefore, the petitioners are not entitled to claim the compensation for the land.



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In view of the above, this Court does not find any perversity or illegality in the impugned order. Hence, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Speaking Order: Yes/No
Neutral case citation: Yes/No
sms

01.12.2023

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P.VELMURUGAN,J.



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