



W.P.No.22776 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.22776 of 2017

P.Leelavathy

... Petitioner

versus

1.The Arbitrator and District Collector,
Kancheepuram District,
Kancheepuram.

2.The Project Director,
National Highways Authority of India,
PIU-Chennai, Sri Tower, 3rd Floor,
Developed Plots -34 (South Phase),
Industrial Estate,
Guindy, Chennai – 600 032.

3.The Special District Revenue Officer (LA),
National Highways,
Kancheepuram and Thiruvallur District,
Office at Collectorate Office,
Kancheepuram.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings under Na.Ka.No.15454/2015/F5, dated 02.01.2017 of the first



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respondent herein and quash the same as null and void and consequently direct the first respondent herein to strictly comply with the provisions under the covered judgment of the Hon'ble High Court, Karnataka, in W.P.Nos.42505, 42506 of 1999 c/w W.P.No.35755 of 2000 dated 11.10.2002 in Lalitha and another Vs. Union of India and others, reported in AIR 2003 Karnataka, 165 also with reference to the proceedings of the National Highways Authority of India dated 18.08.2015 along with the mandatory provision of circular dated 18.08.2015 issued by the National Highways Authority of India, in order to work out the enhanced compensation payable in respect of the land of the petitioner, already acquired, ad-measuring 390 sq.ft under Survey No.17, Block No.43, Ward No.D, Irumbuliyur Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 and R3

Mrs.S.R.Sumathy
Standing Counsel for NHAI
for R2

ORDER

The Writ Petition has been filed to quash the impugned proceedings dated 02.01.2017 bearing reference Na.Ka.No.15454/2015/F5, passed by the first respondent herein and consequently direct the first respondent

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herein to strictly comply with the provisions under the covered judgment of the Hon'ble High Court, Karnataka, in W.P.Nos.42505, 42506 of 1999 c/w W.P.No.35755 of 2000 dated 11.10.2002 and also with reference to the proceedings of the National Highways Authority of India, dated 18.08.2015, along with the mandatory provision of Circular dated 18.08.2015 issued by the National Highways Authority of India, in order to work out the enhanced compensation payable in respect of the petitioner's land ad-measuring 390 sq.ft in Survey No.17, Block No.43, Ward No.D, Irumbuliur Village, Tambaram Taluk, Kancheepuram District.

2. The case of the petitioner is that the petitioner's husband purchased the subject property by virtue of a registered Document No.3242 of 2012. Since then, he has been enjoying the said property and also constructed a building in the said land. While so, the third respondent issued proceedings dated 26.12.2014, wherein an Award has been duly passed by the competent authority granting a sum Rs.16,90,191/- as compensation to the petitioner's husband by way of Cheque bearing No.040051, dated 26.12.2014, but the same has not been handed over to the petitioner's



husband. In this regard, the petitioner's husband made a representation to the third respondent on 03.03.2015. Thereafter, the third respondent vide proceedings dated 05.03.2015 directed the petitioner's husband to submit a copy of the name transfer of Patta in respect of the said land. Even though a specific proceedings was issued on 26.12.2014, granting a compensation amount of Rs.16,90,191/-, the third respondent failed to pay the same and hence, the petitioner's husband filed an appeal before the appellate authority on 31.03.2015 seeking to pay the compensation amount at an early date. The second respondent passed the proceedings dated 06.04.2015 directing the third respondent to take necessary action in accordance with law. Thereafter, the said amount was paid to the petitioner's husband by way of cheque bearing No.040062, dated 28.08.2015. Aggrieved against the same, the petitioner preferred an appeal before the first respondent on 27.10.2015 seeking to enhance the compensation at the rate of Rs.7,000/- per sq.ft and solatium at 100% as per Section 30(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Since the said appeal was kept pending for adjudication, the petitioner has filed a writ petition in W.P.No.2077 of 2016 and this Court has directed



the first respondent to consider the petitioner's Appeal on merits and in accordance with law. Thereafter, the first respondent vide proceedings dated 31.08.2016 called upon the petitioner's husband to appear for enquiry, as such, the petitioner's husband also appeared and submitted all the relevant documents. However, without any valid reasons, the first respondent rejected the appeal filed by the petitioner's husband vide proceedings dated 02.01.2017. Aggrieved by the order dated 02.01.2017, the petitioner is before this Court.

3. It is mainly contended by the learned counsel for the petitioner that the first respondent without complying the judgement of the Hon'ble High Court, Karnataka, in W.P.Nos.42505, 42506 of 1999 c/w W.P.No.35755 of 2000 dated 11.10.2002, the proceedings dated 18.08.2015 of the National Highways Authority of India along with the mandatory provision of Circular dated 18.08.2015 issued by the National Highways Authority of India, issued the impugned proceedings and hence, the impugned proceedings is liable to be set aside.

4. The learned Standing Counsel appearing for the second respondent



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submitted that after the enquiry, the Arbitrator/District Collector has passed the impugned order and as against the impugned order, the petitioner has got an alternative appellate remedy before the concerned Principal District Court.

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

6. In the light of the above facts and submissions, this Court is of the view that since the petitioner has got an appellate remedy before the concerned Principal District Court, for redressal of his grievance, this Writ Petition is dismissed by granting liberty to the petitioner to file an appeal before the concerned Principal District Court. There shall be no order as to costs.

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

- 1.The Arbitrator and District Collector,
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- 2.The Project Director,
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