



WEB COPY

W.P.No.34989 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34989 of 2022

and

W.M.P.Nos.34424 and 34425 of 2022

P.Rabbani

...Petitioner

Vs

- 1.The Chief Engineer (Highways),
(Building and Maintenance),
National Highways Department,
Guindy, Chennai-25.
- 2.The Competent Authority cum
Special District Revenue Officer
(Land Acquisition),
National Highways,
Kancheepuram.
- 3.The Divisional Engineer (Highways),
C&M, Chennai City Roads Division,
Chennai-15.
- 4.The Assistant Divisional Engineer (Highways)
(Building and Maintenance),
Tambaram Division,
Chennai-42.



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W.P.No.34989 of

5. The Project Director,
National Highways Authority of India,
SRI Tower, 3rd Floor, Industrial Estate,
Guindy, Chennai-600 032.
(R5 impleaded vide order dated
27.03.2023 in WMP.No.2981/2023
in WP.No.34989/2022)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to pay land and building compensation for the petitioner's property situated at Irumbuliyur Village, Kuttakarai Street, comprised in old S.No.179 part, S.F.No.19, Ward No.D, Block No.43, along with interest at 18% per annum from the year 2018.

For Petitioner	: Mr.M.R.Dhalapathy Vignesh Kumar
For R1 to R4	: Mr.P.Kumaresan, Additional Advocate General
For R5	: Mrs.S.R.Sumathy

ORDER

The prayer sought for in this writ petition is to direct the 2nd respondent to pay compensation for the petitioner's property situated at Irumbuliyur Village, Kuttakarai Street, comprised in Old S.No.179 part, S.F.No.19, Ward No.D, Block No.43, together with interest at 18% per annum from the year 2018.



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2. The learned Additional Advocate General appearing for the National Highways Department submitted that the compensation due to the writ petitioner has already been settled and a sale deed was also executed by the petitioner in favour of the State Highways Department.

3. The learned counsel for the petitioner made a submission that the compensation was fixed based on the private negotiation between the authorities and the petitioner. The negotiation concluded and the petitioner agreed to receive the compensation in the year 2018 itself. However, there is a delay of 5 years in settling the compensation.

4. The land was acquired in the year 2011 and the petitioner agreed to receive the compensation in the year 2018 by way of private negotiation but the compensation has been settled only in the year 2023, after a lapse of 5 years from the date of consent given by the petitioner to receive the compensation. Thus, the petitioner is entitled for interest atleast for the period from the date of agreement between the authorities and the petitioner in the year 2018 till the date of payment of compensation by the respondents. The said interest is to be paid in favour of the petitioner.



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5. In reply to the said submission, the learned Additional Advocate General made a submission that in the event of submitting an application by the petitioner, the same will be considered favourably by the authorities.

6. In view of the aforesaid submissions, the petitioner is at liberty to submit an application within a period of one week from the date of receipt of copy of this order. On receipt of any such representation, the respondents 3 to 5 are directed to consider and settle the interest as applicable to the petitioner within a period of 8 weeks therefrom.

7. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

15.09.2023

Index: Yes
Speaking order
Neutral Citation: Yes/No
hvk/dpa



To

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