



WEB COPY



W.P.Nos.16226 of 2011 etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.Nos.16226, 16228 and 16230 of 2011 &
W.P.Nos.12815, 12816 and 17990 of 2018 &
M.P.Nos.1 of 2012 in W.P.No.16226 of 2011 &
M.P.Nos.1 of 2011 and 1 of 2012 in W.P.No.16228 of 2011 &
M.P.Nos.1 of 2011 and 1 of 2012 in W.P.No.16230 of 2011 &
W.M.P.No.15044 of 2018 in W.P.No.12815 of 2018 &
W.M.P.No.15045 of 2018 in W.P.No.12816 of 2018 &
W.M.P.No.21281 of 2018 in W.P.No.17990 of 2018 &

W.P.No.16226 of 2011

R.Pandurangan

... Petitioner

Vs.

1. Union of India
rep. By its Secretary,
Ministry of Home, Transport & Highways,
New Delhi
2. The Authorised Officer cum
Special District Revenue Officer,
National Highways No.5 (Acquisition),
Kancheepuram and Thiruvallur Districts
Camp Office, Tahsildar Office,
Poonamallee
3. The Project Director & Deputy General manager (Technic)
National Highway Authority of India,
8th Floor, Spic House,
Guindy, Chennai – 600 032



W.P.Nos.16226 of 2011 etc.,

4. The Project Manager,
Larsen and Tubro Pvt., Ltd.,
Pudhuvaial,
Thiruvallur District.

... Respondents

Prayer in W.P.No.16226 of 2011:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in the Proceeding No.Na.Ka.294/2010/A/NH-5/ dated 09.04.2011 passed by the 2nd respondent and quash the same and issue a direction for payment of compensation on the market value together with solatium and interest for the lands proposed to be acquired from the petitioners morefully described in the accompanying writ petition in terms similar to that of Land Acquisition Act, 1894.

W.P.No.16226 of 2011

For Petitioner : Mr.J.Sivanandaraaj

For Respondents : Mr.S.R.Sundaram for R1
Senior Counsel for Central Government
Mr.S.Silambanan
AAG Assisted by
Mr.R.U.Dinesh Rajkumar
Additional Government Pleader for R2
Mrs.S.R.Sumathy for R3
Senior Counsel for NHA



W.P.Nos.16226 of 2011 etc.,

COMMON ORDER

Since the issues involved in all the Writ Petitions are one and same, they are taken up together and a common order is being passed.

2. It is the contention of the petitioners that after passing the award, the authorities have neither taken the possession nor paid the compensation. Further, in the very same matter, the adjacent land owners were paid enhanced amount of compensation by the acquisition officer even without filing an appeal, whereas, in the present case, the petitioners have not awarded fair compensation. Also, the land has been mentioned in the notification as square feet but the amount has been calculated on square meter, therefore, for all these reasons, the impugned orders have to be quashed and amount has to be calculated under the New Act in the manner known to law.

3. Per contra, learned Additional Advocate General appearing on behalf of the respondents would submit that there is an efficacious alternative



W.P.Nos.16226 of 2011 etc.,

remedy available before the Arbitrator / District Collector, who is the appellate authority and even under Section 34 of the Arbitration and Conciliation Act. If the petitioners are aggrieved with the award passed by the Acquisition officer, they can challenge the same before the appropriate Appellate Authority and this Court at the present stage cannot go into factual aspects, therefore, pleaded to dismiss the Writ Petitions.

4. Heard the learned counsels on either side and perused the documents placed on record.

5. On a perusal of the records, admittedly, the acquisition was not in dispute and the ownership also not in dispute. The petitioners have also participated in the enquiry and subsequently, award has been passed. The petitioners' grievance is that in the notification, the measurement has been mentioned in the square feet, subsequently, the amount has been calculated in square meter and the fair compensation has not been properly fixed according to the guideline value and market value during the relevant period prevailing as on that date. However, the petitioners have not exhausted their appellate remedy, which is the statutory remedy.



W.P.Nos.16226 of 2011 etc.,

6. In view of the above discussions, the petitioners are directed to work out their remedy before the appropriate appellate authority by raising all their defence / grievances. That apart, the period, which has been spent before this Court, by way of filing the present writ petitions, need not be calculated for a period of limitation. Further, the petitioners are at liberty to file documents / remarks before the appellate authority. The appellate authority without insisting the period of limitation shall take the appeal on file and provide opportunity to the parties and consider the appeal on merits and pass appropriate orders in accordance with law. The appeal shall be preferred by the petitioner within a period of 15 days from the date of receipt of copy of this order and on receipt of the appeal, the appellate authority is directed to consider the same and after hearing the parties, shall pass orders in accordance with law on merits. All the exercise shall be completed within a period of three months.

In the result, the present Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

23.01.2024

Speaking Order/ Non Speaking Order

5/7



W.P.Nos.16226 of 2011 etc.,

Index: Yes/ No
Internet: Yes/ No
ssd

WEB COPY

To

1. Union of India
rep. By its Secretary,
Ministry of Home, Transport & Highways,
New Delhi
2. The Authorised Officer cum
Special District Revenue Officer,
National Highways No.5 (Acquisition),
Kancheepuram and Thiruvallur Districts
Camp Office, Tahsildar Office,
Poonamallee
3. The Project Director & Deputy General
Manager (Technic)
National Highway Authority of India,
8th Floor, Spic House,
Guindy, Chennai – 600 032
4. The Project Manager,
Larsen and Tubro Pvt., Ltd.,
Pudhuvaial,
Thiruvallur District.



WEB COPY



W.P.Nos.16226 of 2011 etc.,

P.VELMURUGAN,J.

ssd

W.P.Nos.16226 of 2011etc.,

22.01.2024