



W.P.No.5471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.5471 of 2024

and W.M.P.Nos.6042 & 6043 of 2024

1. Bhuvaneswari

2. V.Uma

... Petitioner

Vs.

1. The Special District Revenue Officer,
(Land Acquisition),
Chennai - Kanyakumari Industrial Corridor Project,
No.74, Vijayaragavan Nagar,
Jagir Ammapalayam,
Salem - 636 302.

2. The Special Tahsildar,
(Land Acquisition & Management),
O/o. the Superintending Engineer (Highways),
Elleischathiram, Vazhudhareddi,
Villupuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents herein from proceeding with the formation of Four Way Lane road without determining the amount of compensation and payment of compensation as opposed to



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Section 38 of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 for the petitioners' lands acquired in Old Survey No.139/2, New Survey No.139/2B to an extent of 0.06.00. Hectates equivalent to 00125 sq.mts in Vadasiruvallur Village, Tindivanam Taluk, Villupuram District.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed, seeking to issue a Writ of Mandamus, forbearing the respondents from proceeding with the formation of Four Way Lane road without determining the amount of compensation and payment of compensation as opposed to Section 38 of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 for the petitioners' lands acquired in Old Survey No.139/2, New Survey No.139/2B to an extent of 0.06.00. Hectates equivalent to 00125 sq.mts in Vadasiruvallur Village, Tindivanam Taluk, Villupuram District.



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2. The brief facts of the case are that the 1st respondent had issued proceedings, dated 12.07.2023 under Section 19(5) of the Tamil Nadu Highways Act, 2001, inviting the petitioners and others on 28.07.2023 at the office of the 2nd Respondent along with all the relevant documents of the properties such as Deeds, Adangal, 'A' Register, Patta, Chitta, Encumbrance Certificate, Aadhar, Pass book etc., to enquire as to whom the compensation is to be paid. Though the petitioners appeared on the said date, no enquiry was conducted and no documents were received. The petitioner was not even let to know the value of the compensation. Thereafter, the 2nd Respondent has issued a notice under Section 15(5) of the Tamil Nadu Highways Act, 2001, to submit the relevant documents, as directed on 12.07.2023, on or before 19.01.2024. On the said date, when the petitioner approached the respondents to present the same, the respondents have already passed an award, fixing compensation at Rs.66/-



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per sq.mtr. According to the petitioners, while the respondents have fixed compensation at Rs.2,370/- per sq.mtr. and Rs.1,300.62 per sq.mtr for adjacent lands, the petitioners' land was given compensation only at Rs.66/- per sq. metre. On that day itself, i.e., on 19.01.2024, the petitioners made a representation before the respondents for fixing appropriate compensation for the acquired lands. But, without considering the representation, the respondents have fixed the value of the land not basing on the actual market value and had laid measurement stones. Hence, this Writ Petition.

3. Mr.A.R.Suresh, learned counsel for the petitioners submitted that without paying any compensation, the respondents have taken the land and started to construct a bridge. Unless the fair compensation is paid, the respondent is not entitled to take the land and utilise it.

4. Mr.T.Arun Kumar, learned Additional Government Pleader



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appearing for the respondents submitted that the notice directing the petitioners to appear before the respondents on 28.07.2023, was issued on 12.07.2023 and the petitioners also appeared on the said date and submitted the relevant Form. After considering the same, the orders have been passed. However, the petitioner was directed to produce relevant documents, showing the ownership of the properties, to pay compensation. Since the petitioners did not appear before the authority to produce the document, the amounts were deposited before the Tahsildar. Hence, all the procedures contemplated under the Act, were followed while passing the Award. It is for the petitioners to produce the documents before the Tahsildar and collect the compensation. On receiving the amount, if at all the petitioners are aggrieved by the quantum of compensation, they can very well challenge the same in the manner known to law, with relevant records and ER guidelines. Therefore, the Writ petitioner is not entitled to the relief as sought for in this Writ Petition.



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5. Admittedly, the land was acquired and also summons were received by the petitioners on 12.07.2023. The petitioners also appeared before the 2nd Respondent's Office on 28.07.2023 and also submitted the statement. However, the Award was passed and again the petitioners were asked to produce the relevant documents and the petitioners had not produced the same. Therefore, they deposited the amount before the Tahsildar. According to the petitioners, the fair compensation has not been fixed in the Award. The Award is also not served on him and that he is not aware of the amount fixed for his land. Only from the counter statement, they came to know that Rs.66/- per sq.mtr. have been fixed for the petitioners' land, whereas, for the other lands, the amount was fixed at Rs.2,370/- per sq.meter and one of the other land which is opposite to the petitioners' land, Rs.1,300.82/- per sq.mtr. was fixed. Therefore, there is a discrimination in fixing the compensation.



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6. The learned Additional Government Pleader appearing for the respondents submitted that as per the classification of lands, they have fixed the compensation. The petitioners' land is an agricultural land, whereas the opposite land is a house-site. Hence, there is no discrimination in passing the award.

7. A perusal of the records shows that the entire procedures have been followed by the respondents while passing the Award and the compensation was also fixed and the same is deposited before the Tahsildar. In these circumstances, it is for the petitioner to approach the Tahsildar by producing the documents and shall receive the compensation. If the petitioners are still aggrieved by the quantum of compensation fixed by the respondents, it is open to the petitioners to work out his remedy in the manner known to law for enhancement of the compensation.



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8. Since the Award has been passed, amount has also been deposited, possession has also been taken and works are going on and in these circumstances, this Court is not inclined to pass any prohibition order restraining the respondents to stall the work.

9. With the above observation, this Writ Petition is disposed of. No costs. Consequently, the miscellaneous petitions are closed.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Case Citation : Yes/No
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