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W.A.Nos.276 and 281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA ,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.Nos.276 and 281 of 2024

In W.A.No.276 of 2024 :

1. The District Collector,
Chengalpattu - 603 111.
2. The Special District Revenue Officer (L.A.),
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram.
3. The Special Tahsildar (L.A.),
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram. .. Appellants

Versus

R.Karthikeyan .. Respondent

In W.A.No.281 of 2004 :

1. The District Collector,
Chengalpattu - 603 111.
2. The Special District Revenue Officer (L.A.),
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram.



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3. The Special Tahsildar (L.A.),
Chennai-Kanyakumari Industrial Road Scheme,
Kanchipuram. .. Appellants

Versus

A.G.Sundararajan .. Respondent

Prayer in W.A.No.276 of 2024 : Writ Appeal under Clause 15 of the Letters Patent to set aside the order, dated 13.10.2022 made in W.P.No.27034 of 2022 and allow the above Writ Appeal.

Prayer in W.A.No.281 of 2024 : Writ Appeal under Clause 15 of the Letters Patent to set aside the order, dated 13.10.2022 made in W.P.No.27031 of 2022 and allow the above Writ Appeal.

For Appellants : Mr.A.Edwin Prabakar,
(in both the appeals) State Government Pleader

For Respondents : Mr.T.Dhanasekaran
(in both the Appeals)

COMMON JUDGMENT

(Judgment of the Court is made by the Hon'ble Chief Justice)

Heard Mr.A.Edwin Prabakar, learned State Government Pleader for the appellants and Mr.T.Dhanasekaran, learned Counsel for the respondents in both the appeals.



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2. The present appeals are filed against the common order of the learned Single Judge, dated 13.10.2022 made in W.P.Nos.27031 and 27034 of 2022.

3. The respondents had filed the Writ Petitions challenging the order, dated 05.08.2022 and seeking compensation as per the guideline value. The learned Single Judge, under the impugned order, directed the matter to be referred to the competent Civil Court in terms of Section 20 of the Tamil Nadu Highways Act, 2001 for deciding the title for apportionment of compensation.

4. It is the contention of the learned State Government Pleader for the appellants that the reference ought to be under Section 22 of the Tamil Nadu Highways Act, 2001 and not under Section 20 of the said Act.

5. The learned Counsel for the respondents submits that patta is not a document of title. The respondents were in occupation and possession of the land. The land in question is a grama natham land. The respondents had



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purchased the land and built a compound wall. The appellants are paying the compensation for the compound wall, but, not for the land.

6. The nature of the land, the ownership, the dispute of title can only be gone into by the Civil Court. The Government claims right over the subject property. The claim of the respondents is otherwise. Section 22 of the Tamil Nadu Highways Act, 2001 provides that in case of a dispute, the matter can be referred to the competent Civil Court for adjudication. Mere mention of a wrong or erroneous section would not be detrimental. As the dispute of title exists, the matter is rightly referred to the competent Civil Court as per the provisions of the Tamil Nadu Highways Act, 2001. The reference shall be made immediately. Depending upon the decision in the reference made to the competent Civil Court for deciding the title, the amount of compensation shall be paid.

7. The Writ Appeals accordingly stand disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.1731, 1735 and 1745 of 2024 are closed.



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(S.V.G., CJ.)

(D.B.C., J.)

06.03.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Secretary,
Home (Transport) Department,
Fort St. George, Chennai - 9.
2. The Regional Transport Authority,
Vellore,
Vellore District.



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**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

grs

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