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W.P.No.27767 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.27767 of 2024

1.R.B.Vishal

2.R.B.Vimal

... Petitioners

Vs.

1. The District Collector,
Rajaji Salai, Fourth Floor,
No.62, Beach Road,
George Town,
Chennai-600 001.

2. The Special District Revenue Officer,
Land Acquisition,
Greater Chennai Division,
Alandur, Chennai-600 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to refer the matter to the Competent Court for determining the fair compensation value for the acquirement of Petitioners' land, based upon on the petitioners' representation dated 12.12.2023.

For Petitioners

: Mr.S.Sundaresan



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W.P.No.27767 of 2024

for Mr.D.G.Hariprasath

For Respondents

: Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

The petitioners have invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for a mandamus directing the 1st respondent to refer the matter to the competent Court for determining the fair compensation value for the lands acquired from the petitioners for the purpose of widening the East Coast Road from Thiruvannamiyur to Akkarai.

2. The petitioners, aggrieved by the fact that the compensation granted was very low and as the same had been unilaterally fixed by the respondents, had filed W.P.No.19924 of 2024 seeking a mandamus to forbear the respondents from dispossessing the petitioner without payment of compensation. This was disposed of on 13.07.2023, holding that, where the land owner is dissatisfied by the Award, the Collector shall refer the same for the decision of the Court and that if the petitioner were to present the documents to show that the original title deeds have been



W.P.No.27767 of 2024

WEB COPY

returned to the petitioner and on presentation of the same, compensation should be settled to the petitioner without delay. The petitioner would submit that the mortgage/encumbrance on the property was cleared and the title deeds were produced before the 2nd respondent on 22.09.2023. The 2nd respondent deposited a sum of Rs.59,67,948/- to the petitioner's joint bank account. On 12.12.2023, the petitioner made a detailed representation to the respondents, submitting objections to the impugned award and seeking an enhancement. The 1st respondent, who is bound to refer the matter to the competent Court, has failed to discharge his statutory duty. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. Under Section 20 of the Tamil Nadu Highways Act, 2001 where a person is aggrieved by the decision of the Collector with reference to the determination of compensation and makes an application to the Collector for referring the matter for determination of compensation, the Collector shall refer the matter to the competent Civil Court. Therefore, in the light of the above, a mandamus is issued to the 1st respondent to refer the case of the petitioner to the competent Court as contemplated under Section 20



W.P.No.27767 of 2024

WEB COPY

of the Tamil Nadu Highways Act, within a period of 8 weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands allowed.

There shall be no order as to costs.

05.11.2024

srn

To

1. The District Collector,
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W.P.No.27767 of 2024

P.T.ASHA, J.,

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W.P.No.27767 of 2024

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