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W.P.No.28104 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.28104 of 2024

Hatim Shabbir Jamnarwala

... Petitioner

Vs.

1.The District Collector,
Chennai Ring Road Project,
Kancheepuram-631 501.

2.Special District Revenue Officer (LA),
Chennai Ring Road Project,
Chennai-600 058.

3. The Special Tahsildar,
Chennai Ring Road Project, Division 5,
21/67, 3rd Cross Street M.M.Avenue,
Kancheepuram-631 501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondent to make reference under Section 20(1) of the Tamil Nadu Highways Act, 2001 to appropriate Court as per the representation sent by the petitioner dated 02.11.2023 seeking enhancement of compensation in



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respect of the petitioner's property situated in Survey Number 9/1 B2(part), measuring 0.68 hectares (or 1,940 square meters), located in Sengadu Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.Salai Varun

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

ORDER

The petitioner seeks a mandamus to direct the respondents 2 and 3 to make a reference under Section 20(1) of the Tamil Nadu Highways act, 2001 to appropriate Court, as per the representation dated 02.11.2023, seeking enhancement of compensation.

2. The petitioner's property, measuring an extent of 0.68 hectares (1940 square meters) in Survey Number 9/1B2(part), Sengadu Village, Sriperumbudur Taluk, Kancheepuram District was acquired for the purpose of Chennai Peripheral Road Project. An Award was passed on 13.10.2022. However, the same was not communicated to the petitioner, nor sent to her address. On coming to know about the same, the petitioner submitted an objection stating that the compensation awarded was not



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commensurate with the market value. The said representation has not been considered to date and therefore, the petitioner is before this Court. A reference is sought to be made under Section 20(1) of the Tamil Nadu Highways Act, 2001. Since the order was not communicated to the petitioner within time, he was not in a position to make a representation within the time stipulated under the Act and as soon as he had got into knowledge of the same, a representation was given which has been kept pending for over a year. Hence, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. Section 20 of the Tamil Nadu Highways Act reads as follows:

20. Reference to Court.

 (1) Any person aggrieved by the decision of the Collector, or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him, by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by



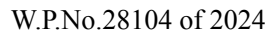
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him for the determination of the Court as defined in the Land Acquisition Act, 1894 (Central Act I of 1894), and when any such application is made, the provisions of Part III of the said Act shall mutatis mutandis apply to further proceedings in respect thereof.

(2)The decision of the Court on such reference and subject only to such decision, the decision of the Collector determining the amount shall be final.

The decision of the 1st respondent has not been communicated to the petitioner and immediately on coming to know the same, the petitioner has made a representation seeking a reference.

5. Considering the fact that once the request is made for referring the matter to the competent Court, the authority concerned is bound to refer the same. A mandamus is issued to the 1st respondent to consider the representation of the petitioner dated 02.11.2023 and refer the matter to the concerned Court constituted under the Land Acquisition Act within a period of 6 weeks from the date of receipt of a copy of



this order. There shall be no order as to costs.

05.11.2024

srn

To

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Kancheepuram-631 501.
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Chennai Ring Road Project,
Chennai-600 058.
3. The Special Tahsildar,
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P.T.ASHA, J.,

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