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W.P.No.30144 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30144 of 2024

T.C.Yuvarani

... Petitioner

Vs

1.The Member – Secretary,
Chennai Metropolitan Development Authority (CMDA),
"Thalamuthu Natarajan Building",
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer (Land Acquisition),
Outer Ring Road Project,
CMDA (Unit 6),
Koyambedu,
Chennai-600 107.

4.The Land Acquisition Officer and Special Tahsildar (LA),
Unit VI, Phase II, ORR Project,
CMDA,
Chennai-600 107.



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5.The Tahsildar,
Ponneri Taluk,
Ponneri,
Thiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus, directing the 4th respondent herein to dispose of the representation of the petitioner dated 06.08.2024 seeking for grant of compensation in respect of 1614 Sq.ft., of land acquired as per the Award No.01/2007 dated 18.04.2007 and also for the excessively acquired land measuring an extent of 1168.50 Sq.ft., in total to an extent of 2782.50 Sq.ft., at Plot Nos.108 and 109 comprised in Survey No.16/1 & 3 (Part) of Vijayanallur Village, Ponneri Taluk, Thiruvallur District, as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, with interest, within a reasonable time, as may be foxed by this Court.

For Petitioner : Mr.A.E.Ravichandran

For 1st Respondent : Mrs.K.Mageswari, Standing Counsel,
(C.M.D.A.)

For Respondents 2 to 5 : Mr.M.R.Gokul Krishnan



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ORDER

This Writ Petition is filed for a Mandamus, to direct the 4th respondent herein to dispose of the representation of the petitioner dated 06.08.2024 seeking for grant of compensation in respect of 1614 Sq.ft., of land acquired as per the Award No.01/2007 dated 18.04.2007 and also for the excessively acquired land measuring an extent of 1168.50 Sq.ft., in total to an extent of 2782.50 Sq.ft., at Plot Nos.108 and 109 comprised in Survey No.16/1 & 3 (Part) of Vijayanallur Village, Ponneri Taluk, Thiruvallur District, as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, with interest, within a reasonable time, as may be foxed by this Court.

2. It is the case of the petitioner that she has purchased two vacant house sites bearing Plot No.108 and 109, in TATA Nagar, measuring an extent of 3600 sq.ft., comprised in Survey No.16/1 and 3



(Part) of Vijayanallur Village, Ponneri.

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3. Out of 3600 sq.ft., a vacant land of an extent of 1614 sq.ft., was acquired for the formation of outer ring road and compensation of Rs.6455/- was passed in the Award No.01 of 2007, dated 18.04.2007. This compensation award was also not paid but possession was taken and the road has also been laid. The petitioner had given representation on 17.08.2021 to the 5th respondent seeking information as to the total extent over which the road has been formed. The petitioner submitted that they have not received compensation, therefore, under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, on 22.11.2023 the petitioner requested the 3rd respondent that the survey of the lands had been done and to pay compensation to the petitioner. Thereafter, the petitioner has also approached the 5th respondent for issuance of patta. The Surveyor had surveyed and found that 818 sq.ft., of the petitioner's land has been further acquired. Therefore, the petitioner



would submit that she is entitled to the additional amount as compensation for the property now acquired. Her representation have yielded no result.

4. The learned counsel for the petitioner submitted that as per Lok Adalat Award in L.A.O.P.No.11 of 2008, dated 05.04.2014, the compensation was arrived at Rs.25,000/- per cent for other land owners. The learned counsel for the petitioner would also submit that the above said Award has been arrived in the year 2014 and the same amount is offered to the petitioner now 10 years later. That apart he would submit that the petitioner is entitled to compensation of Rs.25,000/- per cent in the light of the Lok Adalat Award and with reference to the property that has already been acquired with interest. The petitioner is entitled to compensation is also for the excess land acquired.

5. When the matter had come up for hearing the parties, the



learned Government Advocate was asked to provide details of the acquisition, and the compensation paid.

6. Heard the learned counsels on either side.

7. Today a communication has been submitted which is addressed by the Special Tahsildar (Land Acquisition)), Coimbedu, Chennai to the Government Advocate, wherein, it has been clearly stated that in the case of the petitioner, 818 sq.ft., had been taken excessively. It is also brought to the notice of this Court that in Lok Adalat Award passed in L.A.O.P.No.11 of 2008, dated 05.04.2014, the learned Judge had awarded a compensation of Rs.25,000/- per cent in respect of the very same property.

8. Therefore with reference to the original extent acquired the same shall be referred under Section 18 to the concerned Court by the 2nd respondent. However, with reference to the excess extent of 818



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sq.ft., the petitioner is entitled to receive the sum of Rs.25,000/- per cent without prejudice to her contentions under Section 18. Therefore, the petitioner would be entitled to the same with all the other benefits as set out in the Lok Adalat Award in L.A.O.P.No.11 of 2008. The amounts shall be deposited within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is disposed of.

There shall be no order as to costs.

05.12.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn

To

1.The Member – Secretary,
Chennai Metropolitan Development Authority (CMDA),
"Thalamuthu Natarajan Building",
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

2.The District Collector,

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Thiruvallur District, Thiruvallur.

3.The District Revenue Officer (Land Acquisition),
Outer Ring Road Project,
CMDA (Unit 6), Koyambedu,
Chennai-600 107.

4.The Land Acquisition Officer and Special Tahsildar (LA),
Unit VI, Phase II, ORR Project,
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5.The Tahsildar,
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Ponneri, Thiruvallur District.

P.T.ASHA, J.,

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