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W.P.No.32135 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.32135 of 2024
and
W.M.P.No.34902 of 2024

R.Chandran

... Petitioner

Vs.

1. The District Revenue Officer,
Thiruvallur District Collectorate,
Thiruvallur – 602 001.
2. The Tahsildar,
Thiruvallur Taluk,
Thiruvallur – 602 001.
3. The Executive Engineer
(Infrastructure and Maintenance),
Chennai Thiruvallur Peripheral Road Project,
Tamil Nadu Highways Department,
Jawaharlal Nehru Road,
Thiruvallur Zone,
Thiruvallur – 602 001.
4. The Assistant Executive Engineer,
Highways Department,
Jawaharlal Nehru Road,
Thiruvallur – 602 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 3rd respondent to forthwith pay the compensation for having laid road in land comprised in S.No.105/3B (Patta No.4134), an extent of 27 square meters out of total measurement being 2.43 Acres, of No.44 Thamaraipakkam Revenue Village, Thiruvallur Taluk and District, in pursuant to the proceedings in Na.Ka.No.2024 (Ni.A) dated Nil/06/2024 (signed on 18.06.2024) on the file of the 2nd Respondent.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondents.

2. Admittedly the road has been laid in the property belonging to the Petitioner without giving compensation to the Petitioner. Today when the matter was taken up for hearing a Communication dated 06.11.2024 bearing Letter No.297/2024/Assistant addressed by one S.J.Thasnavis Fernando, Assistant Divisional Engineer Highways, Thiruvallur to the State Government



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Pleader has been produced before this Court. In the said communication it

has been stated as follows:-

“The land consisting of Patta no. 4134 Survey No.105/3B of Thiru.R.Chandran S/o.Rangappa Reddiyar lies at Km 16/4 of Korattur-Thinnanur-Periyapalayam road (SH50A) which is maintained by Thiruvallur C&M Subdivision. The above road has been taken up for widening from two lane to four lane under CMRDP Scheme 2022-2023.

A box culvert has been constructed in the above location in lieu of existing pipe culvert (same alignment). But after construction, the petitioner doubted that the constructed box culvert lies in this property. Based on the petitioner's request Highways department was requested the Tahsildar, Thiruvallur to resurvey the petitioner's land and fix the Highways boundary.

In continuation with the above, the Tahsildar, Thiruvallur fixed the Highways boundary and reported that the constructed box culvert lies on the petitioner's property to an extent of 27 sqm vide reference 1st cited. Based on the Revenue department report the Highways department has proposed to initiate Land Acquisition for the extent of 27 sqm and compensation will be paid to the petitioner as per Tamilnadu Highways Act.

In this circumstances, I humbly request to you apprise the situation before the Hon'ble Madras High Court.”



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3. According to the Respondent/Highway Department, 27 sqm of the Petitioner's property has been acquired and compensation will be paid for the same.

4. The same is recorded and a direction is issued to the Respondent/Highway Department that the compensation should be paid to the Petitioner within a period of two (2) months from today.

5. The Writ Petition is allowed with the above observations and directions. No cost. Consequently, connected Miscellaneous Petition is closed.

07.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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