



W.P.No.33344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

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

W.P.No.33344 of 2024

R.Shanmugam

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai – 5.

2. The Commissioner,
Corporation of Chennai,
Chennai – 3.

3. The Secretariat to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai – 9.

4. Zonal Officer,
Zone – 12m Corporation of Chennai,
Garment Complex, Sidco, Nagireddy Garden Road,
Guindy, Alandur,
Chennai – 32.

... 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 respondents to pay enhanced compensation with interest under the Provisions Right to Fair Compensation Act for compulsory Acquisition of petitioner lands comprised in S.No.26/2, T.S.No.9/2, D.No.82, Durai Raj Street previously Alandur Municipality, presently Zone 12, Chennai Corporation, Pazhavanthangal, in the year 1988 by considering the petitioner's representation dated 17.08.2023 in accordance with law.

For Petitioner : Mr.Kumar
For R1 & R3 : Mr.P.Sathish
Additional Government Pleader
For R2 & R4 : M/s.P.T.Rama Devi

ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents to pay enhanced compensation with interest under the Provisions Right to Fair Compensation Act for compulsory Acquisition of petitioner lands comprised in S.No.26/2, T.S.No.9/2, D.No.82, Durai Raj Street previously Alandur Municipality, presently Zone 12, Chennai Corporation, Pazhavanthangal, in the year 1988 by considering the petitioner's representation dated 17.08.2023 in accordance with law.



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2. The Petitioner who has entered into a private negotiations with the Respondents in respect of the acquisition of his land of forming a “Thillai Ganga Nagar Link Road” at Pazhavandangal and based upon the negotiations had entered into a registered Sale Deed dated 09.01.2023 under which he has sold the property in question after receiving a compensation of Rs.11,33,837/- being a sum of Rs.1,10,682/- as compensation and interest from 22.03.2001 to 29.09.2021. at Rs.10,23,155/-.

3. The Petitioner would submit that he had at the very instant informed the Respondents that he was receiving the above sum without prejudice to his rights to seek an enhanced compensation. The lands have not been acquired through the acquisition proceedings but has been sold by the Petitioner to the Respondents by virtue of private negotiations. He had therefore made a representation to the Respondents to grant him the enhanced compensation. However, the said representation has not been taken up for consideration. Therefore, he is before this Court seeking an enhanced compensation for the provisions of Right to Fair Compensation and Transperancy in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of his



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lands which have been acquired in the year 1988. However, though the Petitioner would plead that the lands have been taken possession in the year 1988, there are no documents filed along with the Writ Petition to prove the same.

4. On the contrary, it is seen that in the year 2001, the Petitioner has been invited for private negotiations. Be that as it may, the Writ Petition is disposed of with the direction to the Respondents to consider the Petitioner's representation dated 17.08.2023, seeking an enhanced compensation and pass appropriate orders on merits and in accordance with law within a period of three (3) months from the date of receipt of a copy of this Order. No costs.

18.11.2024

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



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