



WEB COPY



W.P.No.35070 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35070 of 2024

P.Duraibabu

... Petitioner

Vs.

1.The District Collector
Office Of The District Collector,
Ranipet.

2.The Land Acquisition Officer
And Revenue Divisional Officer
Office Of The District Collector,
Ranipet.

3.The Special Tahsildar
Land Acquisition And Management
Ranipettai District (I/C) / Special Tahsildar (Land Acquisition),
CKICP, Arakonam Wing.

4.The Divisional Engineer (Projects Division)
Highways Department,
Vellore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the 1st respondent



W.P.No.35070 of 2024

to refer the petitioners claim seeking for just and fair compensation as contemplated under section 20 of the Tamil Nadu High Ways Act 2001 pursuant to the petitioners representation dated 05-01-2024 with respect to the petitioners land comprised in Survey No.41/1C of Melakalathur Village, Nemili Taluk, Ranipettai District measuring to an extent of 556 square meters, acquired under Award / Proceedings of 1st respondent in Na. Ka. Ni. A. Me. E1 / 3546 / 2019 dated 27-10-2023 for construction of over bridge in lieu of existing level Crossing No. 37, at Railway Km 80/6-8 at Anvarthikanpet Village, Nemili and Arakkonam Taluk, Ranipettai District.

For Petitioner : M/s.M.Himavanth

For Respondents : Mr.A.Selvendran, Spl.GP.
for R1 to R4.

ORDER

The Writ Petition has been filed for the following reliefs:-

" directing the 1st respondent to refer the petitioners claim seeking for just and fair compensation as contemplated under section 20 of the Tamil Nadu High Ways Act 2001 pursuant to the petitioners representation dated 05-01-2024 with respect to the petitioners land comprised in Survey No.41/1C of Melakalathur Village, Nemili Taluk, Ranipettai District measuring to an extent of 556 square



W.P.No.35070 of 2024

meters, acquired under Award / Proceedings of 1st respondent in Na. Ka. Ni. A. Me. E1 / 3546 / 2019 dated 27-10-2023 for construction of over bridge in lieu of existing level Crossing No. 37, at Railway Km 80/6-8 at Anvarthikanpet Village, Nemili and Arakkonam Taluk, Ranipettai District."

2. It is the case of the petitioner that his property had been acquired under the Tamilnadu High Ways Act for construction of a road over bridge over the level Crossing No.37, at Railway Km 80/6-8 at Anvarthikanpet Village, Nemili and Arakkonam Taluk, Ranipettai District.

3. The petitioner would submit that ever since from the date of notification, the petitioner had been demanding fair compensation and representations were being made for compensation at the rate of Rs.2,000/- per sq.ft. The petitioner's representations to the authorities on various dates i.e. on 20.12.2017, 0203.2018 and 04.11.2018 remained un-addressed. Without even furnishing a copy of the award



W.P.No.35070 of 2024

or paying compensation, the lands have been taken away by the State.

Since the petitioner was dissatisfied with the compensation amount, he was told that the matter of granting higher compensation was within the purview of the District Collector. Thereafter, within 6 days the compensation amount of Rs.15,02,815.88/- was deposited to the petitioner's account for an extent of 556 sq.mt. instead of 588 sq.mt. at the rate of Rs.786/- per sq.mtr.

4. The petitioner had also made a representation dated 05.01.2024 to the 1st respondent to refer the petitioner's claim for enhancing the compensation as contemplated under Section 20 of the Tamil Nadu Highways Act, 2001. However, to date, the reference as claimed has not been made. Therefore, the petitioner is before this Court.

5. Heard the counsels on either side.

6. Section 20 of the Tamil Nadu Highways Act 2001 would read 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 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."

6. A reading of the above would clearly indicate that once a request for enhancing compensation is made, the authority has to refer the claim to the jurisdictional Civil Court.



W.P.No.35070 of 2024

7. Therefore, considering the above factors and taking note of the fact that a representation had been made as early as on 05.01.2024, the Writ Petition is allowed and a mandamus is issued to the 1st respondent to refer the petitioner's claim to the concerned Civil Court within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

29.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Collector
Office Of The District Collector,
Ranipet.

2.The Land Acquisition Officer
And Revenue Divisional Officer
Office Of The District Collector,
Ranipet.

3.The Special Tahsildar
Land Acquisition And Management
Ranipettai District (I/C) / Special Tahsildar (Land Acquisition),
CKICP, Arakonam Wing.

4.The Divisional Engineer (Projects Division)
Highways Department,
Vellore.



WEB COPY



W.P.No.35070 of 2024

P.T. ASHA. J.,

(shr)

W.P.No.35070 of 2024

29.11.2024