



W.A.No. 3221 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3221 of 2024

R.Sreedhar

...Appellant

Vs.

1.The Special District Revenue Officer,
Land Acquisition and Management, Highways,
Chennai District,
Rajaji Salai, Chennai - 600 001.

2.The District Collector,
Chennai District,
Rajaji Salai, Chennai -600 001.

3.The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chennai - 600 005.

4.The Secretary,
State Highways and Minor Port Department,
Secretariat, Chennai - 600 009.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 26.09.2024 made in W.P.No.20972 of 2024.



For Appellant : Mr.R.Sunilkumar

For Respondents : Mr.R.Ramanlal

Additional Advocate General assisted by

Mr.Vadivelu Deenadayalan

Additional Government Pleader

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant is aggrieved by the order of the Writ Court, holding the award of compensation for the lands belonging to him which were acquired for widening the road Rs.4,000/- per Sq. ft.

2. The facts that led to filing of the writ petition are as follows:-

The Highways Department occupied the land measuring an extent of about 677 Sq. mtrs. in Survey Nos. 432/1C and 452/1A4 of Maduravoyal Village, Chennai District on 01.06.2018. The petitioner claimed that he is the owner of the property and filed a writ petition in W.P.No.10321 of 2021 seeking a mandamus directing the respondents to consider his representation dated 01.10.2020 in the light of the supporting documents. In and by the said representation, the petitioner had sought for compensation in

2/8



respect of land in Survey Nos.432/1C, 452/1A1 which was subsequently sub-divided as 452/1A4. This court allowed the said writ petition. After the direction issued, the Revenue Divisional Officer, Central, Chennai, examined the claim of the petitioner and concluded that the petitioner is entitled to the land in Survey No.432/1C and 432/1A4 and he is also entitled to compensation, since the land has been used for widening of the road already without launching any acquisition proceedings in respect of these lands.

3. The petitioner again filed a writ petition for implementation of the report of the Revision Divisional Officer dated 13.08.2021 in WP No.906 of 2022. The said Writ Petition was allowed by this Court on 25.01.2022. Thereafter, the Highways Department issued a notification under Section 15(2) of the Tamil Nadu Highways Act 2001, seeking to acquire these lands. An award was also passed on 31.10.2023 fixing the compensation at Rs.4,000/-per Sq. ft. The award did not grant any interest. Therefore, the petitioner was constrained to file the instant Writ Petition seeking compensation at the rate as it was awarded to the other lands in the very same acquisition and also seeking interest. The Writ Court up held the



claim of the appellant for interest. It however, said the fixation of value at Rs.4,000/- cannot be interfered with. Hence the appellant is on Appeal.

WEB COPY

4. We have heard Mr.R.Sunilkumar, learned counsel appearing for the appellant and Mr.Ramanlaal, learned Additional Advocate General instructed by Mr.Vadivelu Deenadayalan, learned Additional Government Pleader appearing for the respondents.

5. No doubt, Section 20 of the Tamil Nadu Highways Act provides for a reference to the Court where a person is dissatisfied with an award passed by the land acquisition Officer. In the normal circumstances, we would have referred the appellant to such remedy. But in the case on hand, the facts are peculiar, the department occupied the land of the appellant and laid a road without initiating land acquisition proceedings in respect of a portion of the land. The land belonging to the petitioner in other survey numbers viz. Survey Nos.432/1B, 452/1A2, 452/1A3 and 454/1B, were acquired under the 15(1) notification dated 31.12.2014. The land in Survey No.432/1C and 452/1A4 that belonged to the petitioner was not included in the earlier notification. For those lands, an award was passed on

4/8



06.11.2023, fixing the compensation at Rs.5,000/- per Sq.ft. In respect of the land covered by 15(2) notice dated 06.10.2022, an award was passed on 31.10.2023 granting a sum of Rs.4,000/- per Sq.ft. This is evidently unjust and improper.

6. For the land situate surrounding the land in question, for which, a notification was issued on 31.12.2014, the Authority has fixed the value at Rs.5,000/- per Sq.ft. For the land situate in between those lands, for which, a notification under Section 15(2) was issued on 08.10.2022. The Authorities has fixed Rs.4,000/- per Sq.ft. as the value. This difference is on the ground the guideline value has been reduced subsequently. The same cannot be sustained. It has been repeatedly held that guideline value cannot be an indicator of the market value of the property.

7. For the land situate in the very same area acquired for the very same purpose covered by the notification dated 31.12.2014, an award has been passed on 06.11.2023 granting a sum of Rs.5,000/- per Sq.ft. Therefore, the petitioner would also be entitled to the same amount of Rs.5,000/- per Sq.ft. for the land covered by the notice dated 06.10.2022

5/8



W.A.No. 3221 of 2

also. The learned Single Judge has directed payment of interest from 01.06.2018 viz. the date of taking possession. That part of the order is not questioned by the Authorities. Therefore, the appellant would be entitled to Rs.5,000/- per Sq. ft with solatium under Section 69(3), additional amount under Section 69(2) and interest at 9% for one year from the date of taking possession i.e. from 01.06.2018 till 30.05.2019 and 15% thereafter, till date of payment. The amount already paid will be adjusted towards interest first and the subsequent interest will be calculated on the remaining principal amount from the date of taking possession till date of payment in respect of the two survey numbers covered by the notification dated 06.10.2022.

8. The Writ Appeal is **allowed in part** as indicated above. The respondent will work out the difference and make the payment within a period of six weeks from the date of receipt of a copy of this order. No costs.

(R.S.M., J.) (C.K., J.)
20.12.2024

kkn
Index: No
Speaking order
Neutral Citation : No
6/8



W.A.No. 3221 of 2

To:

WEB COPY

- 1.The Special District Revenue Officer,
Land Acquisition and Management, Highways,
Chennai District,
Rajaji Salai, Chennai - 600 001.
- 2.The District Collector,
Chennai District,
Rajaji Salai, Chennai -600 001.
- 3.The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chennai - 600 005.
- 4.The Secretary,
State Highways and Minor Port Department,
Secretariat, Chennai - 600 009.



WEB COPY



W.A.No. 3221 of 2

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

KKN

W.A.No. 3221 of 2024

20.12.2024