



WEB COPY



WP.No.33805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.33805 of 2023

B.M.Vijayakumar

... Petitioner

.. Vs ..

1. The District Collector cum Arbitrator,
Chengalpet District, Chengalpet.
2. The Competent Authority and Special District
Revenue Officer [LA] [FAC], National Highways,
Kancheepuram and Chengalpet Districts, Kancheepuram.
3. The Project Director,
National Highways Authority of India, PIU, Chengalpet.
4. The Special Tahsildar [LA] Unit-5,
Puducherry – Mamallapuram Corridor, Chengalpet. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the second respondent to pay the compensation amount of Rs.69,80,535/- [Rupees sixty nine lakhs eighty thousand and five hundred and thirty five only] with accrued interest till the date of payment, to the petitioner for the acquired land, building and trees comprised in Survey No.249/9B2 [340 Sq.mtr.] and Survey No.249/11B2B [40 sq.mtr.] situated at Panaiyur Village, Chengalpet District, then Kancheepuram



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District and direct the first respondent to adjudicate the issue for enhancement of compensation as an arbitrator appointed under section 3 G [5] of the National Highways Act, 1956 within a period to be stipulated by this Court.

For Petitioner : Mr.R.Murali

For Respondents : Mr.V.Veluchamy
Additional Government Pleader – R1, R2, R4
Mr.Su Srinivasan, SC for NHA – R3

ORDER

This writ petition is filed to direct the second respondent to pay the compensation amount of Rs.69,80,535/- [Rupees sixty nine lakhs eighty thousand and five hundred and thirty five only] with accrued interest till the date of payment, to the petitioner for the acquired land, building and trees comprised in Survey No.249/9B2 [340 Sq.mtr.] and Survey No.249/11B2B [40 sq.mtr.] situated at Panaiyur Village, Chengalpet District, then Kancheepuram District and direct the first respondent to adjudicate the issue for enhancement of compensation as an arbitrator appointed under section 3 G [5] of the National Highways Act, 1956 within a period to be stipulated by this Court.

3. Heard learned counsel for the petitioner and the learned Additional



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Government Pleader appearing for the respondents 1, 2 and 4 and the learned Standing Counsel for the third respondent and perused the materials available on record.

4. The case of the petitioner is that land of the petitioner has been acquired by the Central Government for formation and widening of National Highways and a sum of Rs.69,80,535/- has been awarded as compensation. Though the petitioner signed in the receipt with an objection, neither the compensation amount has been disbursed to the petitioner nor furnished the copies of the award proceedings and receipt, nor referred the issue to the first respondent to adjudicate for enhancement of compensation. Hence, the present Writ Petition.

5. Whereas, counter has been filed by the second respondent to the effect that the entries in the 'A' register indicate there are service attachment to the land as Thanner Pandal and in this regard clarification has been sought from the HR & CE Department. However, it is the stand of the Commissioner of Land Administration that the land is a patta land.

6. In such view of the matter, as there is no evidence available to show



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that the property has been endowed except for service of thaneer panthal and the communication sent to the HR & CE Department of the year 2022, second respondent is directed to disburse the compensation to the petitioner and the first respondent is directed to adjudicate the issue for enhancement of compensation within a period of four months from the date of receipt of a copy of this Order.

7. With the above direction, this Writ Petition is disposed of. No costs.

16.07.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

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