



WEB COPY



WP.No.37322 of 2024

In the High Court of Judicature at Madras

Dated : 19.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37322 of 2024

R.Rajathi

Vs

...Petitioner

1.The District Collector,
Collectorate, Chengalpattu.

2.The Regional Officer, National
Highways Authority of India,
No.D.P.34, Sri Towers South
Phase, Chennai-32.

3.The Project Director, National
Highways Authority of India,
NH-332A (ECR Road Widening
Project), No.19, West Tambaram,
(Near National Theatre),
Tambaram, Chennai-45.

4.The Special District Revenue
Officer (Land Acquisition),
NH-332A (ECR Road Widening
Project), Chengalpattu District.

5.The Special Tahsildar (Land
Acquisition), NH-332A (ECR Road
Widening Project), Chengalpattu
District.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the respondents to



WP.No.37322 of 2024

furnish the copy of the award passed in respect of the land to an extent of 0.23 cents comprised in survey No.287/12A situated at Paramankeni Village, Cheyyur Taluk, Chengalpattu District acquired under Gazette Notification in S.O.NO.2864 (E) dated 29.7.2019 issued by the Ministry of Road Transport and Highways, Government of India for East Coast Express-way under Section 3D(2) of the National Highways Act, 1956 and also to disburse/remit 1/5th compensation to the petitioner based on the representation dated 27.8.2024 within time to be stipulated by this Court.

For Petitioner : Mr.R.Ragavendran
For R1, R4 & R5 : Mr.M.R.Gokul Krishnan, AGP
For R2 & R3 : Ms.S.R.Sumathy,
Standing Counsel

ORDER

The writ petition has been filed seeking a Mandamus to the respondents to furnish a copy of the award in respect of the property measuring 23 cents comprised in S.No.287/12A situated at Paramankeni Village, Cheyyur Taluk, Chengalpattu District acquired for the formation of East Coast Express-way and to consider her representation dated 27.8.2024 for granting compensation in respect of the said property.



WP.No.37322 of 2024

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader accepting notice for respondents 1, 4 and 5 and the learned Standing Counsel accepting notice for respondents 2 and 3.

3. The case of the petitioner is that the said property belonged to her father, who acquired it by way of purchase in 1988. After the death of her father on 14.1.1990, the petitioner and her 4 siblings namely (1) Mr.Palani (2) Mr.Sakarai (3) Mr.Parthasarathy and (4) Mr.Pachamuthu were in possession and enjoyment of the same. In the years 1988 and 2010, two of her brothers namely Mr.Parthasarathy and Mr.Palani passed away leaving behind their respective legal heirs. Though the said property was purchased by the petitioner's father, the patta still stands in the name of the vendor of her father. The grievance of the petitioner is that neither of them were put on notice of the acquisition proceedings and that therefore, they were not able to raise objections for the acquisition.

4. The petitioner and the other legal heirs had come to know about the passing of the award for the acquisition of the said property only recently. The copy of the award was not served on them. They were also not paid the compensation. Hence, the petitioner made a



WP.No.37322 of 2024

WEB COPY
detailed representation dated 27.8.2024 to respondents 1 and 5 requesting to pay 1/5th share of the compensation. On the very same day, the wife of the said Mr.Parthasarathy also made a similar representation to respondents 1 and 5 for the same relief. Despite that, there has been no response. Hence the writ petition.

5. Considering the limited nature of the prayer sought, the writ petition is allowed and the fourth respondent is directed to furnish a copy of the award to the petitioner forthwith and to consider the representation of the petitioner dated 27.8.2024 for payment of 1/5th share of the total compensation and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order so as to take further steps in the matter. No costs.

19.12.2024

To

1.The District Collector,
Collectorate, Chengalpattu.

2.The Regional Officer, National
Highways Authority of India,
No.D.P.34, Sri Towers South
Phase, Chennai-32.



WEB COPY



WP.No.37322 of 2024

P.T.ASHA,J

RS

- 3.The Project Director, National Highways Authority of India, NH-332A (ECR Road Widening Project), No.19, West Tambaram, (Near National Theatre), Tambaram, Chennai-45.
- 4.The Special District Revenue Officer (Land Acquisition), NH-332A (ECR Road Widening Project), Chengalpattu District.
- 5.The Special Tahsildar (Land Acquisition), NH-332A (ECR Road Widening Project), Chengalpattu District.

WP.No.37322 of 2024

19.12.2024