



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3763 of 2025
& W.M.P.No.4171 of 2025

N.Chellamuthu

... Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District at
Thiruvallur 602 001.
- 2.The Special District Revenue Officer,
Land Acquisition and Management,
Highways Research Complex,
Sardar Patel Road, Guindy,
Chennai 600 025.
- 3.The Special Tahsildar (Land Acquisition)
Chennai Border Road Scheme (Unit-III)
No.2, Lal Bahadur Shastri Street,
Periyakuppam,
Thiruvallur – 602 001.
- 4.The Divisional Engineer,
Office of the Divisional Engineer,
Highways, Construction and Maintenance,
Thiruvallur 602 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records in R.C.No.846/2024/A2, dated 25.09.2024 on the file of the 2nd respondent and quash the same and consequently, direct the 1st respondent to consider my representations dated 14.07.2021 and 26.08.2023 for enhancement of compensation.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 25.09.2024 and for a consequential direction to the 1st respondent to deal with the representations made by the petitioner on 14.07.2021 and 26.08.2023, wherein, the petitioner is seeking for enhancement of compensation.

2.Considering the limited issue involved in the present writ petition, the main writ petition itself is taken up for final hearing and this order is passed.



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3. Heard Mr.S.Natarajan, learned counsel appearing on behalf of the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader appearing on behalf of respondents.

4.The case of the petitioner is that he was the owner of the subject property measuring an extent of 230 Square Meters. The property was acquired under the Tamil Nadu Highways Act, 2001. After acquisition, during October 2020, a notice was issued to the petitioner for fixation of compensation. On 12.10.2020, the Tahsildar directed the petitioner to appear with the relevant documents. The petitioner submitted the documents and also raised a protest regarding the quantum of compensation that was fixed and received the compensation under protest.

5.The petitioner thereafter made a representation dated 29.11.2020 and requested the respondents seeking for enhancement of compensation. On receipt of the same, the 1st respondent forwarded the letter to the District Revenue Officer and also the Tahsildar, the 2nd and 3rd respondents herein, to enquire regarding the representations made by the petitioner. Since the representations were not



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considered, the petitioner and some others approached this Court and filed writ petition. The writ petition filed by the petitioner was numbered as W.P.No.13540 of 2023. This writ petition was disposed of by an order dated 14.06.2023. This Court directed the petitioner to workout the remedy seeking for enhancement of compensation by making necessary application before the concerned authority as contemplated under the Act.

6.Pursuant to the above order, the petitioner made a representation dated 26.08.2023, seeking for enhancement of compensation. On receipt of the representations, the impugned proceeding dated 25.09.2024 came to be issued by the 2nd respondent, rejecting the claim on the ground that the claim made by the petitioner is barred by limitation that is provided under Section 64(2)(a)b) of the Tamil Nadu Highways Act. Aggrieved by the same, the present writ petition has been filed before this Court.

7.In the considered view of this Court, on carefully going through the materials placed, it is seen that the petitioner had received the proceedings of the Tahsildar during October 2020 (30.10.2020). The petitioner immediately submitted



an objection through letter dated 09.11.2020. Thereafter, a representation was made to the District Collector dated 14.07.2021 and in this representation, the petitioner has made a very specific claim that the objection dated 09.11.2020 was taken on file in Reference No.1489. This representation made to the District Collector was also received on 15.07.2021 and it has been acknowledged. Even thereafter, there was no progress. The District Collector in the meantime had directed the 2nd and 3rd respondents to deal with the representation made by the petitioner through his communication dated 07.09.2022. Since it was not acted upon, the petitioner filed the earlier writ petition before this Court. At which point of time, this Court directed the petitioner to file an appropriate application before the concerned authority to seek for enhancement of compensation.

8.It is quite clear from the documents placed before this Court that the petitioner has been placing his objections right from the beginning after he received the proceedings of the Tahsildar fixing the compensation. Once the petitioner has raised the objection, it must automatically result in referring the matter to the District Collector. Section 19 of the Tamil Nadu Highways Act makes it clear that once there is no agreement reached on the compensation fixed, the case



has to be referred to the District Collector for determination of the amount. While determining the amount by the District Collector, Section 19(6) says that the relevant provisions under the Land Acquisition Act will be the reference point for deciding the quantum of compensation. In view of the same, Section 64 of the Land Acquisition Act, 2013 will not strictly have any relevance in the present case. The Land Acquisition Act, 2013 will have relevance only insofar as the determination of the quantum of compensation. Insofar as the procedure is concerned, it is the Tamil Nadu Highways Act, 2001 which will hold the field.

9. In the light of the above discussion, the proceedings of the 2nd respondent dated 25.09.2024 is hereby quashed. The matter is remanded back to the file of the 1st respondent viz., the District Collector. The District Collector shall deal with the objections made by the petitioner seeking for enhancement of compensation and the same shall be dealt with on its own merits and in accordance with law and final orders shall be passed, within a period of three months from the date of receipt of copy of this order.



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10. In the result, this writ petition stands allowed with the above directions.

No Costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To

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N. ANAND VENKATESH, J.

SSI

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Office of the Divisional Engineer,
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