

W.P.No.12684 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12684 of 2022

Hindustan Institute of Technology & Science,
(Deemed to be University),
Represented by its Registrar,
Rajiv Gandhi Salai (OMR),
Padur, Chennai – 603 103.

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary, Highways Department,
Secretariat, Chennai.

2.The District Collector,
Chengalpattu.

3.The Chief General Manager,
Tamil Nadu Road Development Company Limited,
121, 2nd Floor,
TNMB Building, South Kesavaperumal Puram,
Greenways Road, Chennai.

4.The Divisional Engineer,
Highways Department,
Chengalpattu Division, Chengalpattu.

5.The Special Tahsildar (Land Acquisition),
I.T Express Highway Scheme,
Tambaram, Chennai – 600 045.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 5th respondent herein to forthwith assess and disburse compensation payable for construction and relocation of the existing functioning Sewage Treatment Plant (STP) from S.No.410/1B1 of Padur Village, Thiruporur Taluk, Kancheepuram District, to some other place within the campus of the petitioner in the light of the joint memo of compromise entered on the file of this Court in W.P.Nos.17914 & 21706 of 2010, by considering the petitioner's representation dated 25.03.2022.

For Petitioner : Mr.Kandhan Duraisami

For RR 1, 2, 4 & 5 : Mr.P.Sathish
Additional Government Pleader

For R3 : Mr.M.Sivavarthan

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 5th respondent to assess the compensation for the Sewage Treatment Plant (hereinafter referred to as 'STP') and to disburse the compensation to the petitioner by considering the memo of compromise entered into in W.P.Nos.17914 & 21706 of 2010 and by considering the representation made by the petitioner on 25.03.2022.



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2.The case of the petitioner is that the lands belonging to the petitioner along with the STP was acquired under the Tamil Nadu Highways Act for the purpose of I.T Express Highway Scheme. The acquisition proceedings were challenged by the petitioner in W.P.Nos.17914 & 21706 of 2010 before this Court. During the pendency of the writ petitions, considering the importance of the project, the parties reached a compromise. The writ petitions were disposed of by an order dated 06.06.2018 by recording the compromise entered into between the parties and for proper appreciation, the entire order is extracted hereunder:

“It is represented by the learned counsel appearing for the parties that by virtue of joint memo of compromise dated 03.05.2018, signed by the parties in the writ petitions, settlement has been arrived between the petitioner and the respondents.

2. The contents of the memo are hereby recorded and being made as part of this order as follows:-

JOINT MEMO OF COMPROMISE

1.Due compensation for the land acquired from the writ petitioner shall be paid by the Government as per law.



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2.Value of the structures affected by acquisition will be compensated as per the valuation and award passed by the Land Acquisition Officer.

3.The petitioner/Hindustan Engineering Training Centre (Holding Society of the petitioner University) which is the owner of the lands has so far not received any compensation for the lands acquired. However, an interim award in Award No.3 of 2017 dated 10.02.2017 has been passed in favour of the petitioner/HETC Society and the Society has sought for enhancement of compensation by the competent Court by letter dated 13.03.2017 and requested the Land Acquisition Officer to refer the case for enhancement of compensation to the competent Court.

4.It is open to the petitioner/HETC to approach the Land Acquisition Officer for withdrawal of the interim compensation amount already determined/awarded.

5.If the petitioner/HETC is not satisfied with the quantum of compensation to be awarded in the final award, the Society is at liberty to move the competent Court for enhancement of the compensation.

6.Regarding service road, a public road will be provided as



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service road and the same will be laid as Katcha Road for the present. Decision regarding Provision of pucca service road will be taken after the completion of construction of the project site.

7. Access to main carriage way from service road will be provided at appropriate locations considering the safety of the road users.

8. Capacity of the pond will be maintained by de-silting with proper overflow disposal and bunds will be repaired/strengthened against any damages caused during construction.

9. Safety Barricade will be provided between the writ petitioners campus and project site to prevent trespassing and for the safety of public as well as students from having access to the project site.

10. Regarding writ petitioner's access to Arts College Campus during construction period, proper access will be provided by proper phasing of construction stages.

11. Truck-lay-by site will be located by considering the safety of Girls Hostel inmates.

12. Writ petitioner will hand over possession of the land after 4 weeks from the disposal of writ petitions.

3. In view of the same, the writ petitions



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stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”

3.The grievance of the petitioner is that the respondents deliberately failed to determine the compensation in so far as the STP is concerned and the representations made by the petitioner in this regard did not evoke any response. It is under these circumstances, the present writ petition came to be filed before this Court.

4.When the matter came up for hearing on 14.02.2025, this Court passed the following order:

“This Court heard the learned counsel for the petitioner. The main grievance that has raised by the learned counsel for the petitioner pertains to Clause 2, 6 and 7 in the joint memo of compromise entered into between the parties which forms part of the earlier order passed by this Court in WP.Nos.17914 & 21706 of 2010, dated 06.06.2018.

2.Clause 2 in the joint memo of compromise is extracted hereunder:

“2.Value of the structures affected by acquisition will be compensated as per the valuation and award passed by the Land Acquisition Officer”.

3.In reply to the above, a counter affidavit has been filed by the 5th respondent and the relevant portions are extracted hereunder:



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"14.As regard the averments of the petitioner company set out in paras 10 and 11 of the affidavit, it is respectfully submitted that in pursuance of the representation received in this regard the official respondents visited the site. It was found that the petitioner is claiming compensation for construction and re-location of the Sewerage Treatment Plant. It is pertinent to point out that the petitioner company had already been paid compensation for the structures existed at the time of notification under Section 15(2) of the Highways Act. The value of the structures existed as on the date of notification under section 15(2) of the Highways Act were already valued and a sum of rs.9,73,056/- was arrived at and paid to the petitioner company. No such compensation for construction and re-location of the Sewerage Treatment Plant shall be granted to the petitioner company and there are no provisions in the said Act. The petitioner is put to strict proof of the same.

14)as regards the averments of the petitioner company set out in para 12 of the affidavit, it is respectfully submitted that the contention of the petitioner company that they have received compensation for land alone and no perusal of item 54 of the copy of Award 3/2017 would clearly show that a total sum of Rs.3797043.00 was arrived at by the Land Acquisition officer including the value of superstructure to the tune of Rs.9,73,056/-. Accordingly, the cheques for the following lands to the tune of the amount noted against each were handed over to the Sherishtadar, Sub-Court, Chengalpattu on 31.12.2019 on proper acknowledgement".

Details showing the amount deposited into Civil Court Deposit as the ownership of the lands specified below could not be determined at the time of passing of Award No.3/2017 dated .02.2017 for the lands acquired for I.T.Corridor Express High Way in Padur Village of Tambaram Taluk

Sl. No.	Award Sl.No.	Survey Number	Extent in S.q.metres	Name of the land owner	Cheque Number date	Amount
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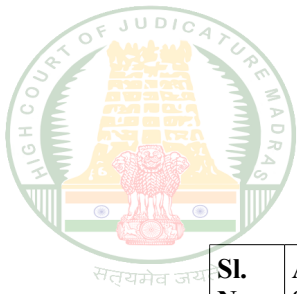
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Details showing the amount deposited into Civil Court Deposit as the ownership of the lands specified below could not be determined at the time of passing of Award No.3/2017 dated .02.2017 for the lands acquired for I.T.Corridor Express High Way in Padur Village of Tambaram Taluk

1	18	294/1B	1996	144, Chennai Hindustan Engg.Trg, Centre, interested persons, Joint Commissioner of Land reforms, Villupuram, 2. Tmt.Suseela, wife of Mariyappn, 2.Tmt.Rekha, 2.Thiru R.Balakrishnan 4.Thiru. Jeyapoovan and seven others	286710 dated 23.12.2019	22295138
2	27	307/7B	1071	144, Chennai Hindustan Engg.Trg, Centre, interested persons, Joint Commissioner of Land reforms, Villupuram, 1.BDO, Padur, 2.ThiruMuthu 3.Thiru Madhavan 4.Tmt.Rajalakshmi 5.Tmt.Suseela Srinivasan	286711 dated 23.12.2019	11962972

Sl. No.	Award Sl.No.	Survey Number	Extent in S.q.metres	Name of the land owner	Cheque Number date	Amount
3	45	408/2A1 A	14	8 Chennai Hindustan Engg.Trg, Centre, interested person Joint Commissioner of Land reforms, Villupuram.	286712 dated 23.12.2019	156379
4	46	408/2B1	132	144 Chennai Hindustan Engg.Trg, Centre, interested person Joint Commissioner of Land reforms, Villupuram	2867183 dated 23.12.2019	1474428
5	47	409/1A1	1490	1789, Chennai Hindustan Engg.Trg, Centre	286714 dated 23.12.2019	16643164
6	48	410/1A1	4324	1789, Chennai Hindustan Engg.Trg.Centre, Interest	286715 dated	



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Sl. No.	Award Sl.No.	Survey Number	Extent in S.q.metres	Name of the land owner	Cheque Number date	Amount
				person Joint Commissioner of Land Reforms, Villupuram	23.12.2019	48298686
7	49	410/1B1	1280	8 Chennai Hindustan Engg.Trg, Centre, interested person Joint Commissioner of Land reforms, Villupuram.	286716 dated 23.12.2019	14297483
8	50	412/2	4815	750 Chennai Hindustan Engg.Trg, Centre, interested person Joint Commissioner of Land reforms, Villupuram.	286717 dated 23.12.2019	5378311
9	53	415/4A1	70	144 Chennai Hindustan Engg.Trg, Centre, interested person Joint Commissioner of Land reforms, Villupuram.	286718 dated 23.12.2019	781894
10	54	415/4B1	143	144 Chennai Hindustan Engg.Trg, Centre, interested person Joint Commissioner of Land reforms, Villupuram.	286719 dated 23.12.2019	3797043
			15335	TOTAL		125085498

The said sum of Rs.9,73,056/- towards the value of the superstructure is included in the value arrived at as Rs.37,97,043/- against Sl.No.10 in respect of S.No.415/4B1.

4.On carefully reading the counter, it is seen that the 5th respondent has taken a stand that the compensation amount has already been paid as was agreed in Clause 2 and if the petitioner is not satisfied with the quantum of compensation, they must only agitate their rights before the competent Civil Court as per Clause 5 of the joint memo of compromise.

5.Clause 6 and Clause 7 are extracted hereunder:



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"6.Regarding service road, a public road will be provided as service road and the same will be laid as Katcha Road for the present. Decision regarding provision of pucca service road will be taken after the completion of construction of the project site.

7.Access to main carriage way from service road will be provided at appropriate locations considering the safety of the road users".

6.Even though the issue touching upon the above two Clauses has not been raised in the writ petition, this Court does not want to multiply the litigation and the issue pertaining to the above two Clauses can also be resolved in the present writ petition itself.

7.With respect to the grievance raised by the petitioner, the 3rd respondent has to give an answer regarding the compliance of the above two Clauses in the joint memo of compromise. The learned Standing Counsel seeks for sometime to file an affidavit in this regard.

8.The learned counsel for the petitioner shall take instructions on the stand taken by the 5th respondent with respect to the compliance of Clause 2 in the joint memo of compromise. In the meantime, affidavit shall be filed by the 3rd respondent.

9.Post this writ petition under the caption 'part heard cases' on 28.02.2025."

5.The matter was thereafter listed for hearing on 28.02.2025 and the following order was passed by this Court:

"Pursuant to the earlier order passed on 14.02.2025, the matter was listed for hearing today. Insofar as the query that was raised by this Court regarding the fulfillment of the obligation viz., Clauses 6 and 7 of the joint memo of compromise, an affidavit has been filed



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by the third respondent and the relevant portions are extracted hereunder.

“5. I state that regarding implementation of Clause 6, it is submitted that the service road formation works on the Right Hand Side (RHS) is in progress and presently 25% of work is completed and the service road on the RHS is scheduled to be completed within three months.

6. I state that in respect of the service road on the LHS, the structures of the petitioner ie., Sewerage Treatment Plan (STP) falls within the alignment of the Service Road on LHS and the said STP is still operated by the Petitioner. The area occupied by the said STP is about 604.95 square meters. Therefore, the said functional Sewerage Treatment Plant has to be either relocated by the petitioner or it has to be demolished in order to complete the service road formation work on LHS.

7. I state that the petitioner institution has been duly informed about the necessity to relocate their Sewerage Treatment Plant during site inspections. It is pertinent to note that the land (S.No.410/1B1) which the Sewerage Treatment Plant is situated has been determined. The land acquisition officer has determined a sum of Rs.9,73,056/- as compensation for the structures in Award No.3 of 2017 dated 10.02.2017 and the amount has been deposited in the Court by way of Civil Court Deposit. However, the portion of the land (measuring 604.95 square metres) in which the Sewerage Treatment Plant is situated, is yet to be handed over to the respondents. Unless the Sewerage Treatment Plan is either relocated by the petitioner or demolished, the service road formation work on LHS cannot be completed.



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8. I state that the service road on the LHS & RHS is about 350 meter length. It is submitted that approximately three months' time is required for completing the service road formation work on LHS and it is subject to relocation and demolition of Sewerage Treatment Plant and handing over to that portion to the 3rd respondent.

9. I state that regarding Clause 7 of the Joint Memo of Compromise, it is submitted that access to the main carriage way from the LHS & RHS service road is provided at 34/300 KM. Further, there is a Pedestrian Under Pass (PUP) connecting the LHS & RHS of the service road. The said PUP is constructed with 4.5 meter height and the width is 7 meters.

10. I state there is provision for 'U' turn on the main carriage way, situated on the Northern Side (Chennai Side) located at 33/100 KM and another 'U' turn on the main carriage way, situated on the Southern Side (Mahabalipuram Side), located at 35/400 KM. All the vehicles using the Kelambakkam by-pass road including that of the petitioner can make use of the 'U' turns located at 33/100 KM at 35/400 KM. The distance between the service road access point and the 'U' turn points on the main carriage way is about 1100 meters. The service road location and the 'U' turn point locations are fixed considering the safety of all the road users.

11. I state that presently the service road formation work on the RHS is in progress and the 3rd respondent is taking effective steps to complete the said work, so that the project will be completed. Further, the co-operation of the petitioner in relocation or demolition of Sewerage Treatment Plant (STP) is essential for



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completing the service road formation work on the LHS. Thus, the 3rd respondent has taken all efforts to fulfill their obligations under the joint memo of compromise dated 03.05.2018 and Order dated 06.06.2018 in Writ Petition No.17914 and 21706 of 2010.”

2. The above affidavit of the third respondent addresses the steps that will have to be taken with respect to the fulfillment of the obligation under Clauses 6 and 7 of the memo of compromise.

3. During the course of hearing, Mr.K.Doraisami, learned Senior Counsel appearing on behalf of the petitioner submits that the amount of Rs.9,73,056/- was determined not for the Sewage Treatment Plant (STP) located at S.No.410/1B1 and 410/1A1 and the same is apparent from the award that was passed on 10.02.2017. The learned Senior Counsel specifically relied upon Sl.No.8 in the list of structures for which the value was fixed and submitted that no value was fixed for the STP with machineries. The learned Senior Counsel also brought to the notice of this Court the subsequent communication that was made by the Special Tahsildar to the Divisional Engineer, Highways Department dated 17.03.2021 and also the communication of the Divisional Engineer to the Assistant Engineer dated 22.03.2021. By relying upon these communications, the learned Senior Counsel submitted that if really the compensation amount has been fixed for the STP, there was no reason for the Special Tahsildar and the Divisional Engineer to seek for clarity with respect to the



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fixation of compensation under that head.

4. *On carefully going through the communications that were relied upon by the learned Senior Counsel, it is seen that there are two components for which clarification was sought for. The first component pertains to the compensation amount to be fixed for the STP and the second component is the cost that would be incurred by the petitioner for the relocation of the STP. The cost of relocation of the STP was not the subject matter of the award. For the present, the controversy revolves around the compensation that was fixed towards the STP.*

5. *The learned Standing Counsel appearing on behalf of the third respondent submitted that the compensation was fixed for Sl.Nos.6 to 8 put together to the tune of Rs.9,73,056/- and therefore, the compensation has already been fixed for the STP. To substantiate the same, the various components that were dealt with while fixing the value was placed before this Court. The learned Standing Counsel further submits that L.A.O.P.Nos.38,39,40,41,42,43,45 and 45 of 2020 on the file of the learned Additional Subordinate Judge, Chengalpattu was filed by the petitioner for enhancement of compensation and it has already been disposed of by an order dated 13.08.2021.*

6. *There is no clarity regarding the compensation that was fixed for the STP. For the present, the STP is functioning and this STP has to be removed and taken to the alternative location. Therefore, this controversy has to be resolved at the earliest possible time. Only after*



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resolving this issue, the fulfillment of the obligation under Clause 6 can be carried out. Therefore, there shall be a direction to the learned Additional Government Pleader to take instructions in this regard and the entire original file shall be produced before this Court during the next date of hearing. The order passed in the LAOPs shall also be produced before this Court in order to ascertain whether the same covers the compensation fixed towards the STP.

*6. Post this writ petition under the same caption on **12.03.2025 at 2.15 p.m.**”*

6.The writ petition was once again listed on 12.03.2025 and the following order came to be passed by this Court:

“Pursuant to the earlier order passed on 28.02.2025, the matter was listed for hearing today. The learned Standing Counsel appearing on behalf of the 3rd respondent produced the original records pertaining to the valuation of the structures. The learned Standing Counsel submitted that the STP (Sewerage Treatment Plant) very much formed part of the structures that were valued and the same is evident from the photographs which accompanies the valuation that was done. For proper appreciation, the relevant portion that is relied upon by the learned Standing Counsel for the 3rd respondent is scanned and reproduced hereunder:



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VALUATION OF STRUCTURES

Name of Village : Padur
Survey No: :
Type of Roof : S.No: 415/4B, 408/2A1,2B & 410/1B
Age of Structure : RCC / Open
15 Years

PLINTH AREA

Compound wall : $(60+40) \times 2 = 200 \text{ RM}$

Tank I $3 \times 30 = 90$

Tank II $5 \times 20 = 100$

Tank III $10 \times 20 = 200$

$590 \text{ RM} \times 825 = 4,86,750$

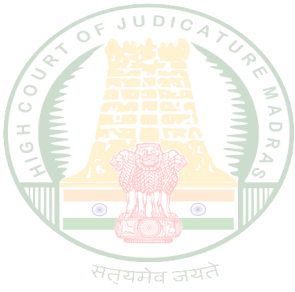
Framed Structure Class - E

Inspection Structure : $5 \times 25 = 125 \text{ m}^2 \times 4275 = 5,34,375$
L.S for Tank : 2 Nos $= 2 \times 40,000 = 80,000$

Electrical Items

1. Light Point : $30 \times 175 = 5,250$
2. Plug Point : $20 \times 155 = 3,100$
3. Fan Point : $10 \times 180 = 1,800$
 $= 10,150$

Iron Gates (12m Nt 3m width GI Pipe around & Weld mesh) = 530
Inspection Chambers (2Nos) $2 \times 990 = 1980$



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HP Electrical motor pump set

(i) Centrifugal pum 2 Nos x 6050

External services 2HP Electrical Pump

1. 50mm dia CI pipe line and specials 200 x 275

= 12,100 /

= 8,800 /

= 55,000 /

11,89,685 /

Total cost of Building

Brick Wall = 4,86,750 /

Framed Structure class E = 5,34,375 /

L.S for Tank = 80,000 /

Electrification = 10,150 /

Grills = 530 /

Inspection Chambers = 1980 /

1.00 HP Centrifugal pump = 12,100 /

50mm dia CI Pipe line = 55,000 /

Electrical Pump = 8,800 /

11,89,685

Depreciation (0.18209) 1% (15 Year) = (-) 2,16,629

Net Amount = 9,73,056 /

Assistant Divisional Engineer (H)
Construction & Maintenance
Chengalpattu SubDivision.

COUNTER SIGNED
Divisional Engineer (H)
Chengalpattu SubDivision.

ASSISTANT ENGINEER (H)
(C&M) THIRUKALUKUNDRAM



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2.The learned counsel for the petitioner produced the judgement and decree that was passed in LAOP Nos.38 of 2020 etc., dated 13.08.2021. The learned counsel submitted that the dispute for enhancement of compensation only pertained to the lands and the structures which were identified and compensation was granted in the award. In the said judgement of the reference Court, there is absolutely no reference to the STP.

3.The learned counsel for the petitioner submitted that right from the beginning, the petitioner was repeatedly knocking the doors of the 3rd respondent and was asking them to fix a compensation for the STP. To substantiate the same, the learned counsel relied upon representation dated 21.02.2022 that was made by the petitioner to the 3rd respondent. In reference 3 to that letter, the letters dated 07.09.2018, 04.04.2019, 14.06.2019, 12.09.2019, 01.03.2021 and 11.03.2021 has been specifically mentioned and it was submitted that these letters were also addressed to the 3rd respondent seeking for compensation for the STP. The learned counsel submitted that there was absolutely no response and the 3rd respondent was keeping silent and not even once, the petitioner was informed that the compensation that was fixed included the compensation for STP and therefore, there was no occasion for the petitioner to know that the total compensation fixed under the award also included the compensation for STP. The learned counsel submitted that if any correspondence had been made by the 3rd respondent to the petitioner stating that the compensation fixed included the compensation for STP, the petitioner would have challenged the same before the LAOP Court and this is more so since the petitioner had chosen to question the compensation amount that was fixed for the lands and other structures before the LAOP Court. The learned counsel submitted that for the first time after the present writ petition was filed, the respondents are coming up with a case as if the



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compensation has already been fixed for the STP. The learned counsel once again relied upon Sl.No.8 of the award dated 10.02.2017 and submitted that no specific amount was mentioned against the head Sewerage Water Treatment Plant with machines.

4.The learned Additional Government Pleader appearing on behalf of the official respondents and the learned Standing Counsel appearing on behalf of the 3^d respondent once again reiterated that the compensation was fixed at Rs.9,73,056/- for Sl.Nos.6, 7 and 8 put together. The learned Standing Counsel sought for sometime to ascertain as to whether the 3^d respondent had responded for the earlier representations that were made by the petitioner as was noted in reference 3 of the representation dated 21.02.2022 and inform this Court.

5.Post this writ petition under the same caption on 19.03.2025 at 2.15 p.m."

7.The matter was listed for hearing today only for getting a clarity as to whether any response was made to the petitioner for the various representations made by the petitioner starting from the year 2018 onwards seeking for fixation of compensation for the STP.

8.The learned counsel for the petitioner placed the copy of the representations that were made from the year 2018 and also the communication that was received from the Special Tahsildar in this regard. The learned counsel for the petitioner submitted that at no point of



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time, the petitioner was informed that compensation amount has been fixed for the STP.

9.Per contra, the learned counsel appearing on behalf of the 3rd respondent by placing reliance upon the additional typed set of papers, submitted that a reply was given by the 3rd respondent on 08.02.2021 for the representation given by the petitioner on 06.01.2021. Similarly, yet another reply was given by the 3rd respondent on 24.11.2021 for the representation made by the petitioner on 07.10.2021. Ultimately, by a communication dated 04.07.2022, the compensation that was fixed for the STP was also clarified to the District Collector. The learned counsel therefore submitted that the representation made by the petitioner has been responded and the petitioner was aware that the compensation was fixed for the STP. Hence, if the petitioner is aggrieved by the quantum of compensation fixed, they should have agitated the same before the LAOP Court seeking for enhancement of compensation and the petitioner cannot be permitted to once again agitate the same issue and seek for payment of separate compensation for the STP.



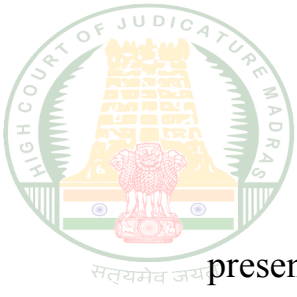
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10.This Court carefully went through the documents that were filed on the side of the petitioner and on the side of the 3rd respondent.

11.The representations were made by the petitioner right from the year 2018. Only in the year 2021, the Special Tahsildar informed the petitioner through a communication dated 17.03.2021 that clarification has been sought for from the 3rd respondent and that after getting a clarification, the claim made by the petitioner will be considered. Similarly, there is yet another communication dated 22.03.2021 from the Divisional Engineer which is also to the same effect.

12.Even the documents that were relied upon by the 3rd respondent, it is not informed to the petitioner in unequivocal terms that compensation was in fact fixed for the STP and the petitioner can only seek for enhancement of compensation. Thus, neither the Special Tahsildar nor the Tamil Nadu Road Development Company Limited, informed the petitioner even on a single occasion that the compensation for the STP has been fixed in the award. They were only taking time and informing the petitioner that they have sought for clarification. Till the



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present writ petition was filed, no clarification was forth coming.

Therefore, it is quite evident that no compensation was fixed for the STP.

13.In so far as the other grievance that was expressed by the petitioner touching upon clause 6 & 7 of the memorandum of compromise, a stand has already been taken by the 3rd respondent and the same was recorded by this Court in the earlier order passed on 28.02.2025. The said grievance shall be attended to as per the stand taken by the 3rd respondent and which was recorded by this Court.

14.In the light of the above discussion, this Court holds that no compensation amount was fixed for the STP while passing the award and the stand taken by the respondents as if Sl.Nos.6 to 8 put together, a compensation of Rs.9,73,056/- was fixed, is unsustainable. Hence, there shall be a direction to the 5th respondent to fix the compensation amount in so far as the STP is concerned. The petitioner and the 3rd respondent shall be given an opportunity and the compensation amount shall be fixed as on 09.02.2009 and it goes without saying that whatever interest and solatium has to be added, the same shall be done in accordance with law.



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A separate award shall be passed by the 5th respondent within a period of six (6) weeks from the date of receipt of a copy of this order and the compensation amount shall be paid to the petitioner. If the petitioner is not satisfied with the quantum of compensation, it is always left open to the petitioner to seek for enhancement of compensation in accordance with law.

15.In the result, this Writ Petition is disposed of in the above terms.

No costs.

19.03.2025

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

To



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1. The Government of Tamil Nadu,
Rep by its Secretary, Highways Department,
Secretariat, Chennai.
2. The District Collector,
Chengalpattu.
3. The Chief General Manager,
Tamil Nadu Road Development Company Limited,
121, 2nd Floor,
TNMB Building, South Kesavaperumal Puram,
Greenways Road, Chennai.
4. The Divisional Engineer,
Highways Department,
Chengalpattu Division, Chengalpattu.
5. The Special Tahsildar (Land Acquisition),
I.T Express Highway Scheme,
Tambaram, Chennai – 600 045.

N.ANAND VENKATESH, J.

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