



W.P.No.804 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.804 of 2025
W.M.P.No.988 of 2025

S.Kadhar Bawa

...Petitioner

Vs

Special District Revenue Officer,
(Land Acquisition)
National Highways No.205
Tiruvallur District Officer,
Tiruvallur Taluk,
Tiruvallur District

...Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, by calling the records of the respondent pertaining to Serial No.94 & 95 passing the alleged payment of compensation to the vendor of the petitioner made in award No.29/2011-RC36/2010/UNIT-IV dated 24.11.2011 received by the petitioner through R.T.I reply vide Letter Na.Ka.No.271/2022/N.H.205 dated 05.12.2022 from the General Information Officer of the respondent's office, and to quash the same and consequently, direct the respondent to pay the compensation as per the



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market value as prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : M/s.Mr.K.V.Subramaniam Associates
for Mr.M.A.Abdul Wahab

For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

The Writ Petition has been filed for the following reliefs:-

To call for the records of the respondent pertaining to Serial No.94 & 95 passing the alleged payment of compensation to the vendor of the petitioner made in award No.29/2011-RC36/2010/UNIT-IV dated 24.11.2011 received by the petitioner through R.T.I reply vide Letter Na.Ka.No.271/2022/N.H.205 dated 05.12.2022 from the General Information Officer of the respondent's office, and to quash the same and consequently, direct the respondent to pay the compensation as per the market value as prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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2.The petitioner had purchased the subject lands under a registered sale deed dated 09.06.2008. The petitioner has also constructed a concrete compound walls enclosing the said lands and he is in possession and enjoyment of the same. The petitioner was employed at Port Blair and during one of his visits to Chennai in the 2022, he discovered that the compound walls had been demolished and on enquiry he was informed that the above plots have been taken over for the National Highway No.205. Immediately the respondent had dashed out RTI application dated 24.09.2022 requesting the details of the acquisition proceedings. In their reply dated 05.12.2022, it was mentioned that copy of the award had been sent to the petitioner's vendor Janardhanan. The award has been passed without verifying either encumbrance certificate or the revenue records. More particularly, when the property had been purchased by the petitioner three years prior to the passing of the award. Therefore, the petitioner has come forward with the above Writ Petition since fair compensation has not been given to them.

3.Heard the learned counsels on either side and perused the records. Mr.A.Selvendran, the learned Special Government Pleader takes notice on behalf of the respondent.



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mandamus to quash the award dated 24.11.2011 and for a mandamus to direct the respondent to pay compensation as per the market value to the petitioner, it is now represented by the learned Special Government Pleader that at the time of disbursement (if not already disbursed) of the compensation the objections of both the petitioner as well as his vendor will be heard and on production of documents the amount shall be paid to the person who is the rightful owner as on date of the acquisition proceedings. The said exercise shall be completed within a period of four weeks from the date of receipt of copy of this order. It is needless to state that this order shall not preclude the petitioner from seeking enhancement of the compensation provided under law.

5. Accordingly, the Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To
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(Land Acquisition)
National Highways No.205
Tiruvallur District Officer,
Tiruvallur Taluk,
Tiruvallur District

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