



WEB COPY



W.P. No.35185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.35185 of 2023

and

W.M.P. Nos.35174 and 35176 of 2023,
26716 of 2024

and

26657 of 2025

M/s.Sree Maruthi Agrotech Pvt Ltd
Rep. by its Director
Sri K.Gurumoorthy

Petitioner

Vs

1. Tamil Nadu Road Development
Company Ltd
Rep by its Executive Director,
171, 2nd Floor, TNMB Building,
South Kesavaperumal Puram,
Greenways Road,
Raja Annamalai Puram,
Chennai-600 028.

2.The Divisional Engineer (H) C & M,
Highways & Minor Ports Department
Chengalpattu, Kancheepuram District.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, call for the records pertaining to the impugned communication dated 30.10.2023 of the 1st respondent in Ref. No. TNRDC/ TNIPP- II / ED/ 1167/ 2023 and quash the



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same and further direct the respondents to award compensation payable to the petitioner for the entire 8.622 acres of the land acquired in R. S. Nos. 188 (P) in Kelambakkam Village and 1402 (P) in Thaiyur Village along with the loss caused for re- establishing all the infrastructural facilities in the leased land along with interest at the rate of 12 percent p.a. within a reasonable time frame.

For petitioner : Mr. Hari Radhakrishnan

For respondents : Mr. P. Ganesan,
Addl. Govt. Pleader

ORDER

This writ petition has been filed challenging the impugned communication dated 30.10.2023 issued by the 1st respondent and for a consequential direction to pay compensation to the petitioner for the loss sustained due to construction of the Phase-II by-pass road connecting Kelambakkam and Thiruporur through the petitioner's leased lands.

2. It is the case of the petitioner that they are the lawful lessee of salt pan lands leased by the Union of India. It is stated that M/s. TNRDC commenced construction activities in the subject lands as early as in the year 2018 and constructed a bridge, pipe culvert and dug canals, thereby altering the entire landscape and causing substantial loss to the petitioner. The commencement of work in the subject lands has been confirmed by the Factory Officer in his letter dated 07.01.2022. It is averred that from the records, it can be noted that the Deputy Salt Commissioner, Chennai, by communications dated 03.03.2020 and



10.08.2020, had clearly informed M/s. TNRDC that road construction work could proceed only after effective transfer of land to the Highways Department upon completion of all formalities. Despite the same, construction activities were carried out.

3. It is further stated that the Government of India, by communication dated 04.05.2020, granted in-principle approval for transfer of certain acres of land. Thereafter, the Deputy Salt Commissioner, by letter dated 06.11.2020, specifically requested inclusion of a clause for payment of suitable compensation to the petitioner. Thereafter, the Government of India, by communication dated 11.07.2023, partially modified the earlier transfer order and re-determined the market value of 15.611 acres at Rs.45,56,00,000/- without altering the extent of land transferred, which admittedly included the petitioner's leased lands. Subsequently, the 1st respondent vide Communication dated 30.10.2023 sought details from the concerned authority to assess the compensation of the lessee, which was marked to the petitioner. Aggrieved by the impugned communication dated 30.10.2023 issued by the 1st respondent, this writ petition has been filed.

4. Learned counsel for the petitioner submitted that the petitioner's leasehold rights have been extinguished due to road construction and that the petitioner is entitled to compensation for loss of leasehold rights, buildings and



damages. He placed reliance on paragraph 28 of the counter affidavit, wherein it has been admitted that compensation would be paid subject to assessment of the actual area after survey for extinguishing the leasehold rights. However, without paying any compensation, the petitioner was put to irreparable loss and therefore, prays for issuance of appropriate directions in the above regard.

5. Learned Additional Government Pleader appearing for the respondents submitted that land cost has already been paid to the Union of India and that the extent of land and compensation payable to the petitioner, if any, would have to be determined by the competent authority after survey.

6. This Court heard the submissions made by learned counsel on either side and perused the entire records.

7. On a bare perusal of records, it reveals that there is no dispute with regard to the fact that construction activities were carried out in the petitioner's leased lands and that paragraph 28 of the counter affidavit contains a clear admission that compensation would be determined after survey and assessment of the actual area. The issue relating to quantification of compensation involves factual determination, which cannot be determined by invoking powers under Article 226 of the Constitution of India. In such view of the matter, this Court is not inclined to go into the merits of the claim for compensation. However, considering the admitted position, the petitioner cannot be left remediless.



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8. In view of the above, the writ petition is disposed of granting liberty to the petitioner to approach the appropriate competent authority for claiming compensation towards extinguishment of leasehold rights, buildings and damages, if any, in accordance with law. Upon receipt of such claim, the competent authority shall conduct necessary survey, assess the actual extent affected and consider the petitioner's claim on merits and pass appropriate orders within a reasonable period of time. No costs. Consequently, connected miscellaneous petitions are closed.

12.11.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To

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