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W.P.No.3319 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 3319 of 2025

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W.M.P.No. 3690 of 2025

M/s.Jubilee Plot and Housing Pvt Ltd
Rep by its Managing Director, D. Sangupathi,
Plot no. 1379,
Door no. 15C, Golden Villa, 6th street, I block,
Vallalar Kudiyruppu, 18th main road,
Anna Nagar west,
Chennai- 40.

...Petitioner

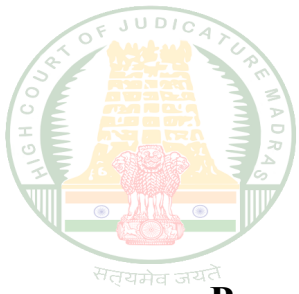
Vs.

1.The District Collector
Chengalpattu District,
Chengalpattu

2.The District Revenue Officer
The District Revenue Office,
Chengalpattu District

3.The Special Tahsildar (Land Acquisition)
Radial Road Scheme,
Thiruporur Taluk,
Tambaram,
Chengalpattu District

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to make reference to the competent civil court on the objection raised by the petitioner and representation dated 16.12.2021 sent by the petitioner to adjudicate the issue for enhancement of compensation to the land to an extent of 4220 sq.mts comprised in Survey nos.204/1B3 (1100 sq. mts), 204/1B4 (1120 sq.mts) and 246/5 (2000 sq.mts), situated at Thiruporur village and Taluk, Chengalpattu district which was acquired by the 2nd respondent, under Section 20 of the Tamilnadu Highways Act 2001, r/w Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and direct the respondents to pay interest for the compensation amount under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.

For Petitioner : Mr. M.Venkadesh Kumar

For Respondents : Mr. A.Selvendran
Special Government Pleader.



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ORDER

The Writ Petition is filed for the following relief:

“To direct the 1st respondent to make reference to the competent civil court on the objection raised by the petitioner and representation dated 16.12.2021 sent by the petitioner to adjudicate the issue for enhancement of compensation to the land to an extent of 4220 sq.mts comprised in Survey nos.204/1B3 (1100 sq. mts), 204/1B4 (1120 sq.mts) and 246/5 (2000 sq.mts), situated at Thiruporur village and Taluk, Chengalpattu district which was acquired by the 2nd respondent, under Section 20 of the Tamilnadu Highways Act 2001, r/w Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and direct the respondents to pay



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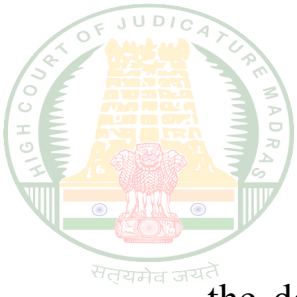


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interest for the compensation amount under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.”

2. The contention of the petitioner is that an extent of 4220 sq.mts comprised in Survey nos.204/1B3 (1100 sq. mts), 204/1B4 (1120 sq.mts) and 246/5 (2000 sq.mts), Thiruporur Village, Chengalpattu District, belonging to the petitioner was acquired by the 2nd respondent for the purpose of the construction of the six lane road from Siruseri to Mahabalipuram.

3. The 2nd respondent passed an award No.1 of 2021 on 10.02.2021. It is the contention of the petitioner that he has been completely kept in dark about the proceedings right from the commencement of the acquisition to the formation of the road and no notice was served at any point in time.



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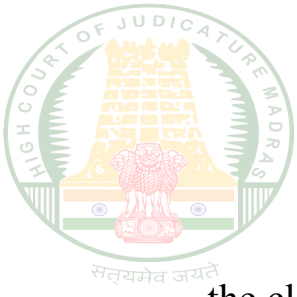
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4. That apart, the respondents failed to furnish copies of any of the document including the award. Since the compensation awarded was low, the petitioner sent a detailed representation under Section 20 of the Tamil Nadu Highways Act, requesting the respondents to refer the matter to the competent Civil Court for enhancement of the compensation. This representation has been made on 16.12.2021.

5. Despite 3 years having gone by, no steps whatsoever has been taken by the 1st respondent to refer the matter to the competent Civil Court. Therefore, the petitioner is before this Court.

6. Heard the learned counsels on the either side and perused the records.

7. The 1st respondent who has a statutory duty to refer the claims for enhancement of compensation to the competent Civil Court has refused to discharge his statutory duty for over 3 years.



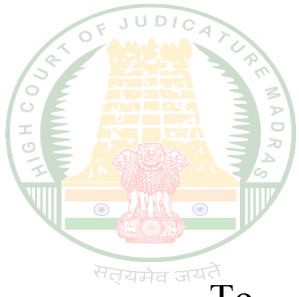
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8. Therefore, a mandamus is issued to the 1st respondent to refer the claim of the petitioner to the competent Civil Court as contemplated under the Act, within a period of 3 weeks, from the date of receipt of a copy of this order.

9. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

31.01.2025

Index : Yes/No
Internet : Yes/No
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To
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P.T. ASHA, J,

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