

WP No. 353 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 353 of 2025

D. Thirunavukarasu

... Petitioner

Vs

1 The District Collector
cum Land Acquisition Officer,
Singaravelar Maligai
Rajaji Nagar, Chennai 600 001.

2 The Special Tahsildar (LA),
Land Acquisition Officer,
Highways I.R.R. SCHEME,
Mambalam-Guindy Taluk @ Collectorate,
Singaravelan Maligai, Rajaji Nagar,
Chennai 600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus, directing the respondents to enhance the compensation amount from Rs. 102/- per sq feet to Rs.1655/- per sq feet to the petitioner's property measuring an extent of 8 ½ cents (3702 sq feet), comprised in T.S.No.336/16 of Velachery Village, with all statutory benefits by way of reference by considering the petitioner's representation dated 12.05.2023 within a time to be stipulated by this court.



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For Petitioner : Mr.D. Senthilkumar
For Respondents 1 and 2 : Mr A. Selvendran,
Special Government Pleader

ORDER

This petition is filed for a mandamus, directing the respondents to enhance the compensation amount from Rs.102/- per sq.ft to Rs.1,655/- per sq.ft to the petitioner's property measuring an extent of 8 ½ cents (3702 sq.ft) comprised in T.S.No.336/16 of Velacherry Village with all statutory benefits by way of reference by considering the petitioner's representation dated 12.05.2023.

2. It is the case of the petitioner that an extent of 1 acre 97 cents comprised in S.No.336/1 of Velacherry Village belonged to his father, M.Durai, who had purchased it from one Duraisamy Naicker and 2 others under a registered Sale Deed dated 04.05.1953. The petitioner's father was in absolute possession and enjoyment of the property from the date of its purchase. The petitioner's father was illiterate. One Krishnamoorthy and K.J.Baskara had approached the petitioner's father for sale of the property. The petitioner's father had appointed them as his Power Agents to sell the property under a



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registered Power of Attorney dated 30.01.1973 on the file of the S.R.O.

Saidapet. They had not discharged their duty as Power Agents. On 14.06.1977, the petitioner's father, Durai died leaving behind his wife Sundarammal and the petitioner herein to inherit his estate. After the demise of the petitioner's father, the Power Agents collected the advance amount from the proposed purchasers and started to sell the properties in Survey No.336/1 without the knowledge of the petitioner and his mother. This constrained the petitioner to file a suit O.S.No.8681 of 1983 on the file of XI Assistant City Civil Court Chennai, seeking a declaration that the Power of Attorney was no longer in force from the date of his father's death and it was not binding on the petitioner and also for permanent injunction. The suit was decreed on 07.11.1985. After due enquiry, the unauthorized and illegal entries in respect of the property was deleted by order of the District Collector dated 18.06.2002 ; and a fresh patta was directed to be issued in favour of the petitioner. Accordingly, patta No.345 was issued to the petitioner's father.

3. On 10.12.2003, the District Collector, Chennai issued a notification proposing to acquire a portion of the lands measuring an extent of 8 ½ cents (3702 sq.ft) for the formation of the Inner Ring Road at Velacherry and



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possession was taken on 01.10.2005. At this juncture, the petitioner came to learn that one Santha Mohan claimed a right over the property. On 21.01.2009, the respondent passed an award in Award No.02 of 2009, fixing a compensation at Rs.102/- per sq.feet i.e. a total sum of Rs.7,80,773/-. Since there was a rival claim, the respondents had deposited the said sum to the credit of L.A.O.P.No.12 of 2011 on the file of the VI Assistant City Civil Court, Chennai. The VI Assistant City Civil Judge had held that the petitioner was the title holder and entitled to compensation. The petitioner thereafter had filed an application stating that the compensation granted was very low. He had also brought to the notice of the second respondent that with reference to the very same acquisition, compensation had been raised from a sum of Rs.102/- per sq ft to Rs.1,655 sq.ft by this Court in C.R.P.No.3651 of 2019 by order dated 03.06.2021 and sought for referring the same to the Civil Court. However, since the said request has not been considered, the petitioner is before this Court.

4. Heard the learned counsels and perused the materials available on record.



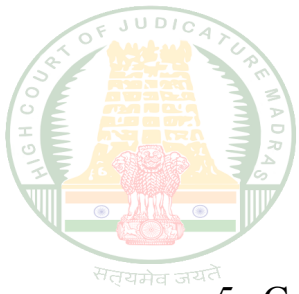
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5. Section 20 of the Tamil Nadu Highways Act reads as follows:

20. Reference to Court:

(1) Any person aggrieved by the decision of the Collector, or the officer to whom the case was transferred, determining the amount may, within sixty days from the date of such decision, in so far as it affects him, by application to the Collector or the officer to whom the case was transferred, require that the matter be referred by him for the determination of the Court as defined in the Land Acquisition Act, 1894 (Central Act I of 1894), and when any such application is made, the provisions of Part III of the said Act shall mutatis mutandis apply to further proceedings in respect thereof.

(2) The decision of the Court on such reference and subject only to such decision, the decision of the Collector determining the amount shall be final.



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5. Considering the fact that once the request is made for referring the matter to the competent Court, the authority concerned is bound to refer the same, a mandamus is issued to the respondents to consider the representation of the petitioner dated 12.05.2023 and refer the matter to the concerned Court constituted under the Land Acquisition Act within a period of 2 months from the date of receipt of a copy of this order. There shall be no order as to costs.

09.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

- 1 The District Collector
cum Land Acquisition Officer,
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Rajaji Nagar, Chennai 600 001.
- 2 The Special Tahsildar (LA),
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P.T.ASHA, J.,

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