



## ABSTRACT

Land Acquisition – Kancheepuram District – Madipakkam-II Village – Pallavaram Taluk – Formation of link road from NH-45 to Old Mamallapuram road – LAOP Case No.45/2002 – Fund allotment of Rs. 4,92,50,432/- (Rupees Four Crores, Ninety Two Lakhs, Fifty Thousand, Four Hundred and Thirty Two only) towards enhanced compensation in LAOP No.45/2002 – Sanctioned – Orders – Issued.

### **Highways and Minor Ports (HS1) Department**

**G.O. (Ms).No: 49**

**Dated: 26.02.2020**

**விகாரி, மாசி 14, திருவள்ளூர் ஆண்டு 2051**

**Read:**

- 1) From the District Collector, Kancheepuram, Letter No.RC18312/2008/F3, dated.04.03.2019
- 2) From Additional Chief Secretary to Government / Commissioner of Land Administration Letter No.S2/8610/2019, dated.16.05.2019

### **ORDER:**

The District Collector, Kancheepuram in his letter 1<sup>st</sup> read above has stated that an extent of 0.67.5 hectares of land in Madipakkam-II Village, erstwhile Tambaram Taluk, now Pallavaram Taluk was acquired for the formation of Road linking NH-45 (GT Road) in Old Mamallapuram road. The then L.A.O., fixed the land value at Rs.1.72 per sq.ft or Rs.18.51 per sq.mtr as per award No.2/2001, dated.20.08.2001 and paid a sum of Rs.1,95,030/- as total compensation to the land owners and the highways department entered upon the land on 01.07.1999 prior to the date of publication of 4(1) notification on 23.03.2000.

2) The District Collector, Kancheepuram has stated that as the land owner was not satisfied with the quantum of compensation awarded, submitted a reference under section 18 of the L.A. Act 1984 which was referred to the Additional Sub Court, Chengalpattu under LAOP No.45/2002 and the Hon'ble Additional Sub Judge fixed the land value at Rs.134/- per sq.ft or Rs.1,442.37 per sq.mtr with solatium and interest at 12% from the date of 4(1) notification till the date of award on 20.08.2001 and @15% thereafter after deducting the amount of compensation already paid to the claimant till the date of payment.

3) The District Collector, Kancheepuram has further stated that an appeal suit was filed before the High Court of Madras in A.S.No.850/2009 and the claimant also filed an appeal suit in Cross Examination No.80/2009. The Hon'ble High Court, in M.P.No.1/2009 in A.S.No.850/2009 directed to deposit 50% of enhanced compensation. Accordingly in G.O.Ms.No.51, Highways and Minor Ports (HS1) Department, dated 09.05.2014, sanction was accorded for a sum of Rs.1,68,86,290/- (Rupees One Crore, Sixty Eight Lakhs, Eighty Six Thousand, Two Hundred and

Ninety only) to make payment of 50% of the enhanced compensation in LAOP No.45/2002 to be deposited in the sub-court of Chengalpattu for the lands acquired for the formation of road linking NH-45 with Old Mamallapuram road at Thorappakkam by laying a Bypass Road.

4) The District Collector, Kancheepuram has further stated that the Hon'ble High Court of Madras while delivering the Judgement in A.S.850/2009 and M.P.Nos.1&2 of 2009 dated 05.04.2017, dismissed the appeal suit filed by the L.A.O., but allowed the Cross Objection filed by the Claimant duly enhancing the land value to Rs.167/- per sq.ft as against the market value of Rs.134/- per sq.ft determined by the reference court and further stated that the claimant is entitled to Solatium of 30% on Rs.167/- per sq.ft., interest on the aggregate of market value of the land and Solatium at 12% per annum from the date of notification issued under section 4(1) of the L.A. Act i.e., from 23.03.2000 till the date of the Award, viz., 20.08.2001 and at 15% thereafter, on the balance of the aggregate, after deducting the amount of compensation already received by the claimant / cross objector, till the date of payment.

5) The District Collector, Kancheepuram has stated that against this judgement, the claimant filed a C.M.P.No.6703 of 2017 in which the Hon'ble High Court of Madras in its Judgement dated 18.04.2017 modified its earlier Judgement dated 05.04.2017 ordered that the Petitioner / Cross Objector is entitled to damages at Rs.176.59 per sq.ft (Rs.167/- (+) Rs.9.59/-) which is rounded off to Rs.177/- per sq.ft for the period from 01.07.1999 to 20.03.2000 (ie., 233 days.) Accordingly, the Hon'ble High Court fixed the market value of the acquired land at Rs.177/- per Sq.ft for the period from 01.07.1999 to 20.03.2000 alone and except this modification, in all other aspects, the common Judgement dated 05.04.2017 passed in A.S.No.850/2009 and Cross Objection No.80 of 2009 remains unaltered and this modification was ordered by the Hon'ble High Court of Madras as the Highways Department entered upon the land on 01.07.1999 prior to the date of publication of 4(1) notification on 23.03.2000.

6) The District Collector, Kancheepuram has further stated that the Special Government Pleader (Civil Suits), High Court of Madras was requested to offer his opinion as to the filing of SLP in the Hon'ble Supreme Court of India, New Delhi. The Special Government Pleader (Civil Suits), High Court of Madras opined that it was not a fit case for an appeal before the apex court as the award was passed in the year 2001 and interest towards the enhanced compensation is running and subsequently it will become a huge amount more than that of the market value fixed as compensation for the land acquired.

7) Hence, District Collector, Kancheepuram has requested the orders of Government to accord fund allotment of Rs.4,92,50,432/- towards enhanced compensation in LAOP No.45/2002 upto 31.03.2019.

8) The Government after careful examination accept the proposal of the District Collector, Kancheepuram as recommended by Additional Chief Secretary to Government / Commissioner of Land Administration and accord sanction for fund allotment of Rs. 4,92,50,432/- (Rupees Four Crores, Ninety Two Lakhs, Fifty Thousand, Four Hundred and Thirty Two only) towards enhanced compensation in

LAOP No.45/2002 as on 31.03.2019 for acquisition of 0.67.5 hectares of land in Madipakkam-II Village, erstwhile Tambaram Taluk now Pallavaram Taluk for the formation of Road linking NH-45 (GT Road) in Old Mamallapuram road.

9) The expenditure sanctioned at para 8 above shall be debited in the following head of account:-

5054 – Capital Outlay on Roads and Bridges 03 – State Highways – 337 – Road works – State's Expenditure – JA – Original Works – 464.Lands – 01.Lands (Voted)

(D.P.C: 5054-03-337-JA-6407)

(IFHRMS DPC: 5054-03-337-JA-46401)

10) Necessary funds will be provided in Final Modified Appropriation 2019-2020 to meet the expenditure sanctioned in para 8 above. Pending provision of such funds in Final Modified Appropriation 2019-2020, the Chief Engineer (Construction and Maintenance), Highways is authorized to incur the expenditure sanctioned above. However, this expenditure shall be brought to the notice of the Legislative Assembly by Specific Inclusion in the Supplementary Estimates 2019-2020. The Chief Engineer (Construction and Maintenance), Highways is directed to include the expenditure while sending the Budget proposal for Final Modified Appropriation 2019-2020 to Finance (PW-1) Department and also send the draft explanatory note for inclusion of the expenditure in the Supplementary Estimate 2019-2020 to Government in Finance (PW-1) Department, without fail.

11) This order issues with the concurrence of Finance Department vide its U.O.No.5909/PW-1/2020, dated.24.02.2020 and Additional Sanction Ledger No.3065 (Three Thousand and Sixty five).

**(By Order of the Governor)**

**A. Karthik**  
**Principal Secretary to Government.**

To

The Chief Engineer (Construction & Maintenance), Highways  
Department, Chennai-5.

The District Collector, Kancheepuram.

The Additional Chief Secretary and Commissioner of Land  
Administration, Chennai-5

The Sub-Treasury Officer, Chengalpattu.

The Accountant General, Chennai-18.

**Copy to:**

O/o. Hon'ble Chief Minister, Chennai-9.

The Additional Special Personal Assistant to Hon'ble Chief Minister,  
Chennai-9.

The Revenue and Disaster Management Department, Secretariat,  
Chennai-9

The Law Department, Secretariat, Chennai-9  
The Finance (PW-I, BG-I & II) Department, Secretariat, Chennai-9  
The Senior Private Secretary to Principal Secretary to Government,  
Highways & Minor Ports Department, Secretariat, Chennai-9  
The Personal Assistant to Deputy Secretary to Government,  
Highways & Minor Ports Department, Secretariat, Chennai-9  
The Resident Audit Officer O/o Principal Accountant General  
(General and Social Sector Audit) Tamil Nadu, Secretariat,  
Chennai-9.

C.No.3807/HS1/2019  
SF/SC

//Forwarded by Order//

*K. Srilakshmi*  
Section Officer