



W.P.(MD)No.17135 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17135 of 2020

and

W.M.P.(MD)Nos.14302, 14304 and 14305 of 2020

Joseph Ligor

... Petitioner

vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Competent Authority & District
Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil, Kanyakumari District.

3.The Project Director Cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil, Parvathipuram,
Nagercoil - 629003, Kanyakumari District.

4.The Executive Engineer (Building),
Public Works Department Office,
PWD Road, Chidambara Nagar,
Nagercoil , Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus after calling for all the connected records on the file of the 2nd respondent pertaining to the passing of the order dated 04.06.2020 in proceedings Award No. 6/2015 Na.Ka.J3/02/2010 and quash the same, consequently to direct the 4th respondent to inspect the building at S.No.562/15 at Thiruvanthancode Village, Kanyakumari District and fix correct valuation as per law.

For Petitioner :Mr.G.Justin
For R1, R2 and R4:Ms.D.Farjana Ghousia
Special Government Pleader
For R3 :Mr.Su.Srinivasan

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 04.06.2020 in proceedings in Award No. 6/2015 Na.Ka.J3/02/2010 and for directing the fourth respondent to inspect the building at S.No.562/15 at Thiruvanthancode Village, Kanyakumari District and fix correct valuation as per law.

2.When the matter came up for hearing on 19.10.2021, this Court had passed the following order:



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“The subject matter of challenge in this Writ Petition pertains to the proceedings of the second respondent dated 04.06.2020 and for consequential direction to the fourth respondent to inspect the building and to fix the correct valuation for the building.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner brought to the notice of this Court the communication from the Competent Authority dated 11.10.2021. For proper appreciation, the same is extracted hereunder:-

கடிதக் குறிப்பு

- பொருள்: நில எடுப்பு - கன்னியாகுமரி மாவட்டம் - கல்குளம் வட்டம் - திருவிதாங்கோடு கிராமம் - புல எண் 562/15-ல் நில எடுப்பு - திரு. ஜோசப்லிகோரி என்பவர் 2000 சதுர அடிக்கு 1300 சதுர அடி என குறைவாக அளவீடு செய்ததாக புகார் - தொடர்பாக.
- பார்வை: 1) திரு. ஜோசப்லிகோரி என்பவரின் மனு நாள்: 22.07.2021.
2) விளவங்கோடு தனி வட்டாட்சியரின் கடிதம் எண் ந.க.12/2020, நாள்:28.09.2021.

பார்வை (2)-ல் காணும் விளவங்கோடு தனி வட்டாட்சியரின் அறிக்கையின் அடிப்படையில் கன்னியாகுமரி மாவட்டம், கல்குளம் வட்டம், திருவிதாங்கோடு கிராமம், புல எண் 562/15-ல் தேசிய நெடுஞ்சாலைக்கு நில எடுப்பு செய்யப்பட்டது தொடர்பாக பார்வை 1-ன்படி மனுதாரர் 2000 சதுர அடி தேசிய நெடுஞ்சாலைக்கு ஆர்ஜிதம் செய்யப்பட்டு 1300 சதுர அடிக்கு மட்டும் அளவீடு செய்து இழப்பீடு வழங்கப்பட்டுள்ளது என்றும் 2000 சதுர அடி அளவீடு செய்து விட்டு மேல்நடவடிக்கை தொடருமாறு கோரிய மனுதாரரின் மனுவினை பரிசீலனை மேற்கொண்டதில் மேற்படி புல எண்ணில் 2225 சதுர அடிக்கு பொதுப்பணித்துறையினரால் மதிப்பீடு அறிக்கை நிர்ணயம் செய்யப்பட்டு இழப்பீட்டுத் தொகை வழங்கப்பட்டுள்ளது. எனவே மனுதாரருக்கு கூடுதல் இழப்பீட்டுத் தொகை வழங்கிட வழிவகை இல்லை என்ற விபரம் மனுதாரருக்கு தெரிவிக்கப்படுகிறது.

3.The learned counsel appearing for the petitioner submitted that the Competent Authority had determined the compensation for the building on the basis that the built-up area of the building was 1300 sq.ft. This determination of the built-up area was challenged by the petitioner right through. According to the petitioner, it is more than 2000 sq.ft. The Competent Authority had passed the Award and the same was put to challenge before the District Collector/Arbitrator



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under Section 3G(5) of the National Highways Act, 1956 and based on the determination of compensation, the compensation amount was also paid to the petitioner.

4. Only issue that has been raised in the present Writ Petition is that the compensation for building was fixed by taking the built-up area as 1300 sq.ft. and whereas, it is now clear from the communication made by the second respondent that it is 2225 sq.ft. It is stated that the compensation was paid for the building by determining the built-up area as 2225 sq.ft. What is available on record is that the determination of compensation was only for built-up area of 1300 sq.ft. Hence, the present Writ Petition confines itself only to this discrepancy in the builtup area and for payment of compensation for the remaining sq.ft.

5.The learned Special Government Pleader appearing on behalf of the first, second & fourth respondents sought for some time to get instructions. The learned Standing Counsel appearing on behalf of the third respondent National Highways Authority of India also sought for some time to get instructions and provide all particulars in this regard before this Court.

6. Post this Writ Petition under the caption "Part Heard Cases" on 09.11.2023."

3.When the matter was taken up for hearing today, the learned Standing Counsel appearing for the third respondent produced the details regarding the acquisition and the compensation paid to the petitioner and for proper appreciation, the same is extracted hereunder:

S.No.	Description	Details of Publication	Date
1	Notification u/s.3A(1) of NH Act, 1956	Gazette of India No. 315, S.O.375 (E)	16.02.2010



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2	Notification u/s.3(A) (3) published in local newspapers	Daily Thanthi (Tamil) & The New Indian Express (English)	20.03.2010
3	Notification u/s.3D (1) of NH Act, 1956	Gazette of India Notification No. 275, S.O.319(E)	11.02.2011
4	Notification u/s. 3G (3) published in newspapers	Daily Thanthi (Tamil) & The New Indian Express (English)	18.06.2021
5	3G(3) enquiry conducted by 2 nd respondent	At Special Tahsildar, LA, NH, Vilavancode	28.06.2011
6	Award passed by CALA – Thiruvithancode Village	6/2015	20.09.2015
7	Arbitration petition filed seeking for enhanced compensation		
8	Arbitration enquiry conducted on		25.02.2019
9	Arbitration order No.E2/26829/2018		19.07.2019

Survey Number	Extent Acquired (in sqm.	Released CALA Award No. & Date	Award amount paid Rs.	ECS Cheque No. & Date
562/15	280	6/2015-34 dt.20.08.2018	2,89,608/-	341395, dt.21.06.2018
	Structure	6/2015-Additional Award-2 (Structure) dt.04.02.2019	48,13,740/-	409939 dt.19.03.2019
	240 (1/3 share)	6/2015-38 dt.17.12.2018	84,810/-	547919 dt. 18.12.2018
562/15	280	E2/26829/2018, dt. 19.07.2019	13,43,192/-	949357, dt. 17.02.2020
	240 (1/3 share)		3,83,497/-	



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4.It is clear from the above that the compensation has been paid to the petitioner and insofar as the structure is concerned, the petitioner has been paid for a total extent of 2296 sq.ft. To substantiate the same, the individual valuation report was also placed before this Court.

5.In view of the same, no further orders can be passed in this Writ Petition. Hence, this Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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To

1.The Tahsildar,
Thirupattur Taluk, Sivagangai District.

2.The Firka Surveyor,
Thirupattur Taluk, Sivagangai District.

3.The Inspector of Police,
Nerkuppai Police Station, Sivagangai.

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