

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No. 10809 of 2015

Dr.N.Govindarajan

..Petitioner

-Vs-

1.The Competent Authority/
Special District Revenue Officer
(Land Acquisition)
National Highways No.68
Salem-4.

2.The Special Tahsildar [LA]
National Highways No.68
Kallakurichi
Villupuram District.

3.The District Collector
Villupuram District
Villupuram.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to make the payment of the compensation for the entire extent of 6 cents less the amount paid, or to restore the extent of 3 cents which is not covered under the acquisition proceedings in the lands bearing S.No.11/7C, Pukkulam Village, Kallakurichi Taluk, Villupuram District, by considering the petitioner's representations dated 12.09.2013, 05.02.2014, 13.02.2014 and 10.03.2014.

For petitioner : Mr.N.Manokaran

For respondents : Mrs.P.Rajalakshmi
Government Advocate

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner claims that he had purchased two house sites bearing Nos. 27 and 28 measuring an extent of 2600 sq.ft. bearing S.No.11/7, Pukkulam Village, Kallakurichi Taluk, Villupuram District, by means of sale deed dated 22.06.2001 registered as Document No.796/2001 on the file of the Sub-Registrar, Thiyagadurgam and he has invested his savings and other earnings in the said house with a view to make use of it for his profession in future. He would further submit that respondents 1 and 2 have initiated proceedings under National Highways Act, 1956, to acquire his lands measuring 3 cents (121 sq.meters) in S.No.11/7C for widening the National Highways No.68 between Salem-Ulundurpet as four lane road. He would further add that in response to the notice issued by the first respondent under Section 3 G(3) of the National Highways Act, 1956, the petitioner has appeared before the first respondent and according to him, his signature has been obtained in printed format without conducting any enquiry. Subsequently, the first respondent vide order dated 18.01.2010 has fixed the compensation for an extent of 3 cents (121 sq.meters) in S.No.11/7C at Rs.70,144/- and the same has been paid. Subsequently, after the road was formed, the petitioner has engaged the services of a retired surveyor to measure the land. To his shock and surprise, the petitioner came to know that the respondents have acquired his entire 6 cents of land in S.No.11/7C purchased under the sale deed dated 22.06.2001, without putting him on notice and further, he has not been paid any compensation for the remaining 3 cents of land. The petitioner in this regard has submitted a representation dated 10.03.2014 to the first respondent, who in turn vide urgent memo in Na.Ka.No.277/2009 (NH 68), dated 14.03.2014, has called upon the second respondent to inform the decision taken to the petitioner. Thereafter, the petitioner has invoked the provisions of Right to Information Act to know the fate of his representation and since nothing has fructified, he came forward to file this Writ Petition.

3. Heard Mr.N.Manokaran, learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice for the respondents.

4. Though, the petitioner prayed for a larger relief in this Writ Petition, this Court is of the view that it is suffice to direct the second respondent to take action on the basis of the urgent memo in Na.Ka.No.277/2009 (NH 68), dated 14.03.2014, sent by the first respondent to the second respondent and inform the decision taken to the petitioner within a stipulated time frame.

5. In the result, this Writ Petition is disposed of, directing the second respondent to take action on the basis of the urgent memo in Na.Ka.No.277/2009 (NH 68), dated 14.03.2014, sent by the first respondent to the second respondent and inform the decision taken to

the petitioner as expeditiously as possible, preferably, not later than four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Competent Authority/
Special District Revenue Officer
(Land Acquisition)
National Highways No.68, Salem-4.

2.The Special Tahsildar [LA]
National Highways No.68
Kallakurichi
Villupuram District.

3.The District Collector
Villupuram District
Villupuram.

+1 cc to Mr.N.Manokaran, Counsel for Petitioner,SR.20649

+1 cc to Government Pleader,SR.20700.

vgi(co)
krd 30/4

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सत्यमेव जयते

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