

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.12530 of 2014

1. T.K.PANEERSELVAN
2. P.THENMOZHI [PETITIONERS]

Vs.

1. UNION OF INDIA
REP. BY ITS SECRETARY
MINISTRY OF HOME, TRANSPORT & HIGHWAYS
NEW DELHI.
2. THE AUTHORIZED OFFICER CUM SPECIAL DISTRICT
REVENUE OFFICER
NATIONAL HIGHWAYS (ACQUISITION)
VILLUPURAM-605602.
3. THE PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA
VILLUPURAM

(R3- Impleaded as per order dated 12/12/14 made
in Mp.1/14 in Wp.12530/2014.]

4. THE DISTRICT COLLECTOR
VILLUPURAM.

(R4- suo motu impleaded as per order dated 23.11.2015 made
in W.P..12530/2014.]

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to give opportunity to the petitioners to place all the documents showing their right, title and interest for the lands described in the schedule of the accompanying petition which has been acquired and also produce relevant materials regarding the market value of the lands for fixing the compensation through legal practitioner on the day to be fixed by this Honourable Court which are to be considered in

determining the amount payable to the petitioners for lands acquired under the National Highways Act 1956.

SCHEDULE OF PROPERTY

Lands in Survey No.118/4 and Survey No.118/4B to the extents of 0.14.0 hectare. Lands in Survey No.128/2B and Survey No.128/2B2 to the extents of 0.54.5, at Sirukadampur, Chenji Town, Villupuram District.

For Petitioners ..Mr.K.Sudhakar

For Respondents ..Mr.Richardson Wilson - R1 & R3
for M/s P.Wilson Associates
Mr.R.Rajeswaran - R2
Spl.Govt.Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.K.Sudhakar, learned Counsel appearing for the petitioners, Mr.Richardson Wilson, learned counsel appearing for respondents 1 & 3 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the second respondent.

3.In this Writ Petition, the petitioners whose lands were acquired for a project of the National Highways Authority of India, seeks for a direction to the second respondent, who is the Authorised Officer cum Special District Revenue Officer, in charge of land acquisition, to afford him an opportunity to place all the documents showing their right, title and interest in respect of the subject lands and also produce relevant materials regarding the market value of the lands for fixing the compensation and also permit them to appear through their legal practitioner.

4.As rightly contended by the third respondent, the second respondent has already passed an award on 27.11.2013, the petitioners have approached this Court only in 2014 and that apart, the petitioners seek to confer the power of review on the second respondent, which the statute does not confer upon them.

5.Therefore, this Court is inclined to grant liberty to the petitioners to file a Petition claiming enhanced compensation before the District Collector who is the Arbitrator under the provisions of the National Highways Act. If such Petition is filed before the District Collector, within a period of thirty days from the date of receipt of a copy of this order, the District Collector shall entertain the Petition without

reference to limitation and permit the petitioners to produce all documents and also permit them to appear through their counsel and place all legal and factual submissions. Thereafter, the District Collector/Arbitrator shall pass a reasoned Award on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Since the District collector, Villupuram is not a party to the Writ Petition, this Court suo motu impleaded him as the fourth respondent in the Writ Petition, so as to enable him the District Collector/ fourth respondent to comply with the above direction.

The Writ Petition is disposed of on the above terms. No costs.

rpa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. THE SECRETARY, MINISTRY OF HOME, TRANSPORT & HIGHWAYS, NEW DELHI.
 2. THE AUTHORIZED OFFICER CUM SPECIAL DISTRICT REVENUE OFFICER, NATIONAL HIGHWAYS (ACQUISITION) VILLUPURAM-605602.
 3. THE PROJECT DIRECTOR, NATIONAL HIGHWAYS AUTHORITY OF INDIA, VILLUPURAM.
 4. THE DISTRICT COLLECTOR, VILLUPURAM.
- + 1 CC TO M/S.P.WILSON ASSOCIATES, ADVOCATES SR 63488.
- + 1 CC TO MR.K.SUDHAKAR, ADVOCATE SR 63397.

VD/CO
KR/11/12

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