

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.9817 of 2013

J.HYATH BASHA

[PETITIONER]

Vs

- 1 THE COMPETENT AUTHORITY AND
SPECIAL DISTRICT REVENUE OFFICER (LA)
O/O.THE COMPETENT AUTHORITY AND
SPECIAL DISTRICT REVENUE OFFICER (LA)
NATIONAL HIGHWAYS
KANCHEEPURAM & THIRUVALLUR DISTRICTS,
KANCHEEPURAM.
 - 2 THE SPECIAL TAHSILDAR (LA)
NATIONAL HIGHWAYS CHENNAI-90
 - 3 THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
1/54-28 BUTT ROAD
ST. THOMAS MOUNT, CHENNAI-16.
 - 4 THE TAHSILDAR
ALANDUR TALUK, NANGANALLUR
CHENNAI-61.
- [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus, to direct the respondents to consider and pass orders on the petitioner representation dated 13.3.2013 in the light of Honourable Supreme Court Judgement reported in 2013(2) CTC Page 222 seeking compensation for the petitioner lands acquired by the 3rd respondent of an extent of 436 sq.ft and for the land encroached by the 3rd respondent of an extent of 1964 sq.ft. in the year 1991 for the lands comprised in S.No.147/78 Pammal Village Alandur Taluk within the time frame by this Court.

For Petitioner : Mr.G.Jeremiah
for Mr.K.Velu

For Respondents:Mr.Richardson -R1 & R3
for M/SP.Wilson Associates

Mr.R.Rajeswaran, R2 & R4
Spl.Govt.Pleader

O R D E R

Heard Mr.G.Jeremiah, learned Counsel appearing for the petitioner, Mr.Richardson, learned counsel appearing for respondents 1 & 3 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for respondents 2 & 4.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider and pass orders on his representation dated 13.3.2013 in the light of Honourable Supreme Court Judgement reported in 2013(2) CTC Page 222, seeking compensation for his lands acquired by the third respondent of an extent of 436 sq.ft and for the land encroached by the third respondent of an extent of 1964 sq.ft. in the year 1991 for the lands comprised in S.No.147/78 Pammal Village Alandur Taluk.

3.The learned counsel appearing for the National Highways Authority of India (NHA), submitted that after the filing of the counter affidavit, fresh notification has been issued on 01.07.2014, and the notice for fixing compensation under section 3(g) of the National Highways Act has been issued on 24.09.2015.

4.In the light of the subsequent developments, the petitioner is directed to participate in the enquiry, so as to receive compensation in respect of an extent of 1964 sq.ft land, which has already been utilised for construction of Chennai Bypass, which is not covered in the original notification. The petitioner is also directed to appear before the first respondent along with his objections if any, by enclosing the copy of this order, within a period of three weeks from the date of receipt of a copy of this order and the proceedings initiated under the National Highways Act shall be concluded as early as possible, preferably within a period of three months thereafter.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rpa

To

- 1 THE COMPETENT AUTHORITY AND
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+1 cc to M/s.R.Wilson Associates, Advocate, sr.62438

+1 cc to Government Pleader, sr.62613

+1cc to Mr.K.Velu, Advocate Sr.62386[11/12/2015]

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kra 02.12.2015