



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.8374 of 2015

and

M.P.(MD)No.1 of 2015

WEB COPY

Vellaikannu

... Petitioner

Vs.

1.The Chief General Manager(T) &RO,
National Highways Authority of India,
Chennai.

2.The Project Director(NH-49),
National Highways Authority of India,
Sivagangai District.

3.The Competent Authority and Special
District Revenue Officer (Land Acquisition),
Sivagangai District.

4.The Special Tashildar (Land
Acquisition NH),
National Highways 49, Unit-I,
Manamadurai, Sivagangai District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from entering into the property in Survey No.131/6A and 131/7A Ladanendhal, Thirubuvanam, Sivagangai District without issuing notice and hearing objection as per Section 3E of National Highways Act 1956 and without depositing the compensation amount as per Section 3H of National Highways Act 1956.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.C. Arul Vadivel @ Sekar
for R.1 and R.2

: Mr.M.Murugan
Government Advocate
for R.3 and R.4

O R D E R



This writ petition is filed seeking a Writ of Mandamus to forbear the respondents from entering into the property in Survey No.131/6A and 131/7A Ladanendhal, Thirubuvanam, Sivagangai District without issuing notice and hearing the objection, as per Section 3E of National Highways Act 1956 and without depositing the compensation amount as per Section 3H of National Highways Act 1956.

2.Heard both sides.

3.The learned Counsel for the petitioner would submit that the petitioner has agricultural lands in Ladanendhal in Survey Nos. 131/6A and 131/7A and he purchased the said lands through registered sale deeds. He would further submit that the respondents have proposed to extend the National Highways No.49 from Madurai to Ramnad District and for that purpose, a notification was issued in the local newspapers and they have also intended to acquire some of the lands including the petitioner's lands. He would further submit that he had also received a communication from the fourth respondent requesting him to submit certain documents, so as to enable them to disburse the compensation amount and except this communication, the petitioner has not received any intimation from the respondents till date. He would also submit that now the respondents have trespassed into the lands of the petitioner and trying to start the construction work and hence, the petitioner has come up before this Court by way of this Writ Petition seeking the aforesaid relief.

4.The learned Counsel appearing for the respondents would submit that if the petitioner produces the required title deeds as well as the patta pertaining to the lands, which were acquired by the respondents, the required compensation will be paid to the petitioner.

5.The said statement made by the learned Counsel for the respondents is recorded.

6.The petitioner is directed to produce the required title deeds as well as the patta pertaining to the lands, which were acquired by the respondents within a period of two weeks from today. On such production of the documents, the respondents are directed to pass necessary orders forthwith for granting compensation.



7. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

SD
ASST REGISTRAR - CO

SUB ASST REGISTRAR

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To

1. The Chief General Manager (T) & RO,
National Highways Authority of India,
Chennai.
2. The Project Director (NH-49),
National Highways Authority of India,
Sivagangai District.
3. The Competent Authority and Special
District Revenue Officer (Land Acquisition),
Sivagangai District.
4. The Special Tashildar (Land Acquisition NH),
National Highways 49, Unit-I,
Manamadurai, Sivagangai District.

1CC TO MR R. MAHESWARAN, ADV SR; 35272
1CC TO MR. C. ARULVADIVEL SEKAR ADV SR: 34859

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and M.P. (MD) No. 1 of 2015
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3P: 7C