

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM

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

W.P.No.3494 of 2016

D.Jayakumar Charles

[PETITIONER]

Vs

- 1 The District Collector
Vellore District, Vellore.
- 2 The Special Tahsildar (Land Acquisition)
National Highways Department
Vellore
- 3 The Competent Authority and
Special District Revenue Officer
Land Acquisition (NH 4 & 46)
Vellore-632 009. [RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to consider the application dated 23.07.2008 submitted by the petitioner under sub section (5) of section 3-G of the National Highways Act 1956 for enhancement of compensation towards acquisition of land measuring about 436 sq mt. in survey No.199/3A situated at Devadamam Village, Gudimallur Post, Wallajahpettai, Vellore District.

For Petitioner .. Mr.Parthiban
for M/s paul and Paul

For Respondents .. Mr.M.L.Mahendran
Government Advocate

O R D E R

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

2. Heard Mr.Parthiban, learned Counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate notice for the respondents.

3.The petitioner whose lands were acquired for a National Highways Project viz. NH-4 & 6 and has filed this Writ Petition, to direct the first respondent to consider his claim for enhanced compensation, which the petitioner has made on 23.7.2008.

4.The third respondent has passed an Award on 07.07.2008, fixing the total compensation for the land at the rate of Rs.11.07 per sq.ft. and after adding 10% Additional Amount as per section 3 G(2) of the National Highways Act, the value of the tree, value of the structure, has awarded a total compensation of Rs.29,961/-.

5.The petitioner on receipt of the said award has submitted a petition before the first respondent on 23.7.2008, and that was sent by 'Speed Post' and has been acknowledged by the office of the first respondent on 24.7.2008 as per the postal acknowledgement card. Since, no further action was taken, the petitioner has given representations to the third respondent as well as to the first respondent on several dates.

6.In response to one such representation, the petitioner has been informed to appear before the third respondent with necessary records on 22.07.2015. However, that communication of the third respondent is superfluous, since already the award has been passed.

7.The petitioner's claim is that he is entitled for enhanced compensation and a remedy has been provided under the provisions of the National Highways Act. Therefore, the learned counsel for the petitioner submitted that the Application made by the petitioner dated 23.7.2008 ought to have been decided at the earliest and it is not known as to why the matter is still pending consideration of the first respondent.

8.In the light of the above, there will be a direction to the first respondent to consider the petitioner's representation/claim petition dated 23.7.2008, which is said to have been received by the first respondent on 24.7.2008, as per the postal acknowledgement produced and the first respondent shall consider the claim made by the petitioner on merits and in accordance with law and after notice to the petitioner as well as the Project Director of the National Highways Department and after hearing the parties, pass a reasoned orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rpa

To

- 1 The District Collector
Vellore District, Vellore.
- 2 The Special Tahsildar (Land Acquisition)
National Highways Department
Vellore
- 3 The Competent Authority and
Special District Revenue Officer
Land Acquisition (NH 4 & 46)
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- 1 cc to M/s. Paul & Paul, Advocate, Sr. 6432
1 cc to M/s. P. Wilson, Advocate, Sr. 6221
1 cc to Government Pleader, Sr. 6549

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