



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.12.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

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Writ Petition (MD) No.23287 of 2016

Arul Mary

.... Petitioner

Vs.

1. The Project Director,
National Highways Authority of India,
No.1, 2nd Floor,
Subramaniapuram, 3rd Street,
Karaikudi 630 002,
Sivagangai District.
2. The Special Officer cum Special District Revenue
Officer, Land Acquisition for National Highways,
(Karaikudi - Ramanathapuram N.H.210),
Ramanathapuram, Ramanathapuram District.
3. The Special Tahsildar,
Land Acquisition for National Highways,
(Karaikudi - Ramanathapuram N.H.210),
Extension Scheme, Thiruvadanai,
R.S.Mangalam.
4. The Special Tahsildar,
Land Acquisition for National Highways,
(Karaikudi - Ramanathapuram N.H.210),
Extension Scheme, Devakottai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 28.12.2015 based on the new Act of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.

For Petitioner	: Mr.P.Muthusamy
For Respondents	: Mr.M.Murugan
	Government Advocate.

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> A Writ of Mandamus has been filed seeking a direction to the second respondent to consider the petitioner's representation dated 28.12.2015 based on "Right to Fair



Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013".

2. Heard the learned counsel for the petitioner and the learned Government Advocate who takes notice for the respondents. By consent, the writ petition itself is taken up for final hearing at the stage of admission itself.

3. According to the petitioner, she is having lands in S.No.389/8 and 389/12 to an extent of 3599 sq.ft., at Guruthanakottai village and cultivating the same for the past 30 years and there is no other land in her name. The Government of India issued notice for acquiring lands to lay a new four way road from Karaikudi to Ramanathapuram National Highway. The lands of the petitioner covered in the abovesaid survey numbers were sought to be acquired for laying the new four way (from Karaikudi to Ramanathapuram National Highway). Accordingly, the National Highways authority surveyed the lands of the petitioner and issued land acquisition notice. The third respondent fixed value of compensation at Rs.12,45,000/- only to the house of the petitioner. The value of the petitioner's land is not taken into consideration by the respondents and the quantum of compensation fixed under Section 48 of the National Highways Act, 1956, is less than the original market value. In the meantime, the Government of India passed the new Act of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. Therefore, the petitioner has submitted a representation dated 28.12.2015 to the respondents, seeking to award fair compensation as per the new Act. As the same is not considered by the respondents, this Writ Petition has been filed.

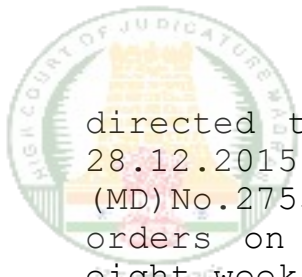
4. The learned counsel for the petitioner would submit that the claim of the petitioner must be considered in the light of the orders passed by this Court in WP(MD)No.27550 of 2014 dated 05.08.2015.

5. In WP(MD)No.27550 of 2014 dated 05.08.2015, there was a direction to the authorities concerned to consider the claim of the petitioner therein under Section 40(3) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and also to follow the other provisions of the new Act and dispose of the matter as expeditiously as possible and not later than three months from the date of receipt of a copy of the order.

6. The learned Government Advocate for the respondents submitted that it is agreeable for the second respondent to consider the representation of the petitioner dated 28.12.2015 and

<https://hdservices.courts.gov.in/hdservices/>

7. Under such circumstances, the second respondent is



directed to consider the representation of the petitioner dated 28.12.2015 in the light of the orders passed by this Court in WP (MD)No.27550 of 2014 dated 05.08.2015 and to pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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8.The Writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

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Extension Scheme, Devakottai.

+ 1 CC TO Mr.P.MUTHUSAMY, ADVOCATE IN SR No. 78263
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78984

MJ

TE/SV-MMS : 03/02/2017 : 3P/7C

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