



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cont.P. (MD).No.999 of 2016

V.Alfred

... Petitioner/Petitioner/Petitioner

Vs.

1.Raja Mani

The Special District Revenue Officer (Land Acquisition)
National Highways,
299/A1 A2-3rd Middle Street,
Thiyagarajar Nagar,
Tirunelveli-11.

Now at

Raja Mani
The Special District Revenue Officer (Land Acquisition)
National Highways,
2/17-Apsarvatory Street, Ramavarmapuram,
Nagercoil-1.

2.Mr.V.A.K.Padmanabha Rao

The Project Director,
National Highways Authority of India,
Tirunelveli.

Now at

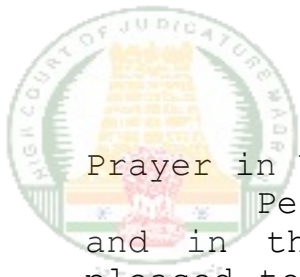
Mr.V.A.K.Padmanabha Rao
The Project Director,
National Highways Authority of India,
No.314E, K.P.Road, Near Ayyappan Kovil,
Parvathipuram, Nagercoil-03.

3.P.Manisekaran,

The Executive Engineer,
Buildings and Construction Division,
Public Works Department.
Nagercoil.

... Contemnors/Respondents/Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willfully disobeying the order passed by this Court in W.M.P.(MD). No.7611 of 2016 in W.P.(MD).No.9570 of 2016, dated 26.05.2016.



Prayer in WP(MD). 9570/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus, directing the 2nd respondent to make Re-Evaluation of the value of the acquired property belonging to the petitioner in survey numbers 22/6 and 22/7 situate in Nagarcoil Village, Agastheeswaram Taluk, Kanyakumari District before eviction of the petitioner.

Prayer in WMP(MD). 7011/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Injunction restraining the respondents no.1 to 3 from demolishing the petitioners property built in survey numbers 22/6 and 22/7 situate in Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District till Re-Evaluation of the value of the acquired property by the respondents pending disposal of the above WP and thus render justice.

For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.Arul Vadivel @ Sekar
Standing Counsel for RR-1 & 2
Mr.N.S.Karthikeyan
Additional Government Pleader for R3

ORDER

Alleging that the order passed by this Court in W.M.P.(MD). No.7611 of 2016 in W.P.(MD).No.9570 of 2016, dated 26.05.2016 is not complied with, the present contempt petition has been filed.

2.The petitioner filed a writ petition seeking a direction to the second respondent to make re-evaluation of the value of the acquired property belonging to him in Sy.Nos.22/6 and 22/7, situate in Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District, before his eviction. According to the petitioner, the properties were acquired by the respondent, without effecting proper evaluation.

3.This Court, by an order dated 26.05.2016 passed an order stating as follows:

"Without effecting proper evaluation for acquisition, the proceedings commenced and continued. Hence, the petitioner is before this Court against acquisition.

Learned counsel for the respondents seeks time.

It is made clear that the acquisition proceedings may go on. At the same time, proper



4.Now, the grievance of the petitioner is that without properly evaluating the property, an award has been passed in violation of the orders passed by this Court.

5.The third respondent filed a counter affidavit stating that structures found available in the property has been evaluated by the competent Technical Authority and all the structures available in the property were valued properly in the award. Even though there is no mistake, considering the request of the petitioner, necessary steps were taken by the Competent Authority. The Competent Authority vide his letter dated 20.01.2016 requested the PWD Authorities to re-evaluate the structures available in the acquired property and to send the report at the earliest.

6.Whether the property has been properly evaluated or not, it is a disputed question and it cannot be decided in the contempt petition. If at all the petitioner has any grievance over the same, the petitioner has to file an appeal before the District Collector against the award and also file necessary application for re-inspection of the property.

7.In view of the above, this Court is of the view that there is no willful disobedience of the order passed by this Court in W.M.P.(MD).No.7611 of 2016 in W.P.(MD).No.9570 of 2016, dated 26.05.2016. Hence, this contempt petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. Raja Mani
The Special District Revenue Officer (Land Acquisition)
National Highways, 2/17-Apsarvatory Street, Ramavarmapuram,
Nagercoil-1.
2. V.A.K.Padmanabha Rao
The Project Director,
National Highways Authority of India,
No.314E, K.P.Road, Near Ayyappan Kovil,
Parvathipuram, Nagercoil-03.
- 3.P.Manisekaran,
The Executive Engineer,
Buildings and Construction Division,
Public Works Department, Nagercoil.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate, SR No.70542

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.70890

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