

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.Nos.2226 and 2227 of 2014

K.S.Murali ... Petitioner in W.P.No.2226 of 2014
K.S.Mohan ... Petitioner in W.P.No.2227 of 2014

Vs.

1. The Union of India,
Rep. By its Secretary,
National Highways Authority of India,
No.G 5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.
 2. The Collector,
Thiruvallur District,
National Highway 205,
Jaya Nagar, Thiruvallur,
Tamilnadu - 602 001.
 3. The Special District Revenue Officer,
Thiruvallur District,
155/60, Jawaharlal Nehru Street,
Thiruvallur District.
 4. The Special Tahsildar,
(Land Acquisition) Unit-I,
National Highways Department-205,
Thiruvallur,
Tamilnadu - 602 001.
- ... Respondents in both W.Ps.

Prayer in W.P.No.2226 of 2014: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to consider the petitioners representation dated 18/12/2013 and to settle the award amount in respect of S.No.353/1 and 3534A2 situated at Thirupachoor Village, Thiruvallur district and consequently pass the award four times the market value of the land acquired from the petitioner for the development of NH-205 project.

Prayer in W.P.No.2227 of 2014: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to consider the petitioners representation dated 18/12/2013 and to settle the award amount in respect of S.No.353/1, 353/4A1, 352/2,352/3 and 352/4 situated at Thirupachoor Village, Thiruvallur district and consequently pass the award four times the market value of the land acquired from the petitioner for the development of NH-205 project.

For Petitioners : Mr.N.Balamuralikrishnan

For Respondents : Mrs.S.R.Sumathi for R1
Mr.A.Zakhir Hussain (for R2, 3 & 4)
Government Advocate

C O M M O N O R D E R

Both these Writ Petitions are filed for issuance of Writ of Mandamus, to direct the third respondent to consider the representation of the petitioners dated 18.12.2013.

2. Learned counsel appearing for the petitioners submitted that the petitioners are brothers. The petitioners respectively in W.P. No.2226 of 2014 and W.P.2227 own an extent of 1.95 acres and 3.16 acres, each, and these lands were sought to be acquired by the National Highways Authority of India for widening the NH-205 project.

3. The learned counsel for the petitioners in both the petitions submitted that the acquisition proceedings commenced in 2010 and that the award is yet to be passed in the matter. He further added that since awards have not been passed in these two writ petitions, both the petitioners have given separate representations dated 18.12.2013 to all the respondents. However, in the prayer the petitioners sought for a direction, more particularly against the third respondent to follow the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for determining the award.

4. Mr.N.Balamuralikrishnan, learned counsel appeared for the petitioners. Mrs.S.R.Sumathi learned counsel appeared for the first respondent as well as Mr.A.Zakhir Hussain, learned Government Advocate, appeared for the respondent 2,3 and 4.

5. Heard both sides. Without going into the merits of the contention, the third respondent is hereby directed to consider the representations of the petitioners in these two writ

petitions when the third respondent determines the quantum of compensation payable. The petitioners are also granted liberty to have a personal submission in the matter with necessary materials and upon hearing the parties to enable which, the third respondent is directed to issue notices to the petitioners. These writ petitions are accordingly disposed of. No Costs.

Sd/-
Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

msvm

To

1. The Secretary,
The Union of India,
National Highways Authority of India,
No.G 5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.
2. The Collector,
Thiruvallur District,
National Highway 205,
Jaya Nagar, Thiruvallur,
Tamilnadu - 602 001.
3. The Special District Revenue Officer,
Thiruvallur District,
155/60, Jawaharlal Nehru Street,
Thiruvallur District.
4. The Special Tahsildar,
(Land Acquisition) Unit-I,
National Highways Department-205,
Thiruvallur,
Tamilnadu - 602 001.

+2cc to Mr.V.Vijayshankar, Advocate SR.No.88630
+2cc to Government Pleader SR.No.88523 & 88524

W.P. Nos. 2226 and 2227 of 2014

RV (CO)
GN (29/01/2018)