

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM:

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.27038 of 2016

1.V.Manimaran

2.Pappal

... Petitioners

-Vs-

1.The Special District Revenue Officer (LA)
National Highways-68
Door No.3B/8, Ram Nagar Road,
Swarnapuri (II Gate)
Salem - 636 004.

2.The Revenue Divisional Officer
Kallakurichi
Villupuram District.

3.The Special Tahsildar (LA)
National Highways-68
Kallakurichi.

4.The Project Director
National Highways Authority of India
No.212-3/D3-1, Sri Nagar Colony
Narasothipatti
Salem - 636 004.

5.Ayyamperumal

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioners dated 19.12.2015 and to pass an appropriate orders within the stipulated time, based on the records produced by the petitioner and thereby pay the compensation to the petitioners for the land acquired in Survey No.348/4 to an extent of 40 cents under the National Highways Act, 1956.

For Petitioners : Mr.D.Muthukumar

For Respondents : Mr.A.Zakir Hussain,
Government Advocate [R1 to R3]
Mrs.R.Sumathy [R4]

ORDER

This petition has been filed praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioners dated 19.12.2015 and to pay the compensation to the petitioners for his lands acquired under the National Highways Act, 1956.

2. The learned counsel for the petitioners submitted that the property of the petitioners comprised in Survey No.348/4 of Rayapanur Village, Kallakurichi Taluk has been acquired. According to the learned counsel for the petitioners, the land acquiring authority under the National Highways Act, 1956 has disbursed the compensation amount to a stranger who claims some interest over the property. He added that stricto sensu the amount should have been deposited by the acquiring authority under Section 3(H)(4) of the National Highways Act, 1956, and inasmuch as the same has been disbursed to the wrong person, seeking compensation the petitioners had filed representations dated 16.09.2011 and 19.12.2015.

3. Heard Mr.D.Muthukumar, learned counsel for the petitioner, Mr.A.Zakir Hussain, learned Government Advocate for respondents 1 to 3 and Mrs.S.R.Sumathy, learned counsel who enters appearance for the fourth respondent.

4. The only prayer the petitioners now seek is to consider is their representations dated 16.09.2011 and 19.12.2015. This Court, therefore directs the petitioners to file fresh representations to the first respondent within four weeks from the date of receipt of a copy of this order, whereupon the first respondent would pass appropriate speaking order within eight weeks thereafter and intimate the decision taken to the petitioner.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To:

1.The Special District Revenue Officer (LA)
National Highways-68
Door No.3B/8, Ram Nagar Road,
Swarnapuri (II Gate)
Salem - 636 004.

2.The Revenue Divisional Officer
Kallakurichi
Villupuram District.

3.The Special Tahsildar (LA)
National Highways-68
Kallakurichi.

4.The Project Director
National Highways Authority of India
No.212-3/D3-1, Sri Nagar Colony
Narasothipatti
Salem - 636 004.

+ 1 cc to Government Pleader Sr.89064

+ 1 cc to Mr.D. Muthukumar, Advocate Sr.88893

W.P.No.27038 of 2016

NRJK(CO)
EU(23/01/2018)

सत्यमेव जयते

WEB COPY