

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.43711 of 2016
and WMP 37573 OF 2016

R.Srinivasan

...Petitioner

-vs-

1.Union of India,
rep. by Secretary,
National Highways Department,
New Delhi.

2.National Highways Authority of India,
rep. by its Project Director,
Incharge of NH 45, Dindivanam,
Villupuram District, Tamil Nadu.

3.The Competent Authority (L.A.),
NH-45, Tindivanam Bye Pass,
Villupuram Collectorate,
Villupuram District, Tamil Nadu.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second and third respondents to dispose of the petitioner's representation dated 30.09.2016.

For Petitioner : Mr.David Tyagaraj

For Respondents: Mr.R.Govindasamy,
Special Government Pleader
for R3

Ms.S.R.Sumathy for R2

O R D E R

This writ petition has been filed by the petitioner seeking a direction to the third respondent to dispose of his representation dated 30.09.2016.

2.The case of the petitioner is that he is owner of the property situated at Survey Nos.19/14, 6A, 20/1A, 1B, 1C, 1D, 1E, 2C, 2D, 2E to the total extent of 2.55 acres 33 cents in Kidangal Village, Tindivanam, Villupuram District measuring to an extent of 483 sq.mts. The said lands along with superstructures were acquired by the Government for implementing National Highways NH 45, Dindivanam, Villupuram, Thiruchirappalli. Subsequently, the third respondent has passed an award on 18.03.2006 against which the petitioner has preferred an Application under Section 3G(1) of the National Highways Act before the District Collector, Villupuram and the same was dismissed. Against the dismissal order, the petitioner preferred an Appeal under Section 34 of the Arbitration and Reconciliation Act, 1986 before the District Court, Villupuram in O.P. No.168 of 2013, which is pending.

3.In the meanwhile, the petitioner filed W.P. Nos.15818 and 15819 of 2008 before this Court for striking down Section 3J of the National Highways Act. This Court has declared 3J of the National Highways Act as un-constitutional and directed the respondent to pay compensation towards interest and solatium as per the Land Acquisition Act 1984 as amended. As against the said order, the first respondent and another preferred an appeal in Civil Appeal No.129 to 159 of 2014 before the Hon'ble Apex Court. By order dated 21.07.2016, the Apex Court has passed the following order:

"...

In view of the statement made by Shri Ranjit Kumar, learned Solicitor General of India on an earlier date of the hearing that solatium in terms of the impugned order of the High Court would be granted for the instant acquisitions made under the provisions of the National Highways Act, 1956, no subsisting issue remains in the present appeals as also in the Special Leave Petition. The appeals as also the Special Leave Petition are accordingly closed. The respondents-writ petitioners be paid solatium as due in terms of the impugned order along with interest therein."

Subsequently, the petitioner sent a representation dated 30.09.2016 to the second and third respondents to pay

compensation in accordance with the order passed by the Hon'ble Apex Court in Civil Appeal Nos.129 to 159 of 2014 dated 21.07.2016. But the said representation is pending. Therefore he has been advised to come to this Court .

4.Mr.R.Govindasamy, learned Special Government Pleader takes notice for the third respondent.

5.As the petitioner's representation is pending consideration, the same has to be disposed of on the basis of the order passed by the Hon'ble Apex Court in Civil Appeal Nos.129 to 159 of 2014 dated 21.07.2016, Therefore, the third respondent is directed to consider the pending representation dated 30.09.2016 made by the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, keeping in mind the order passed by the Hon'ble Apex Court in Civil Appeal Nos.129 to 159 of 2014 dated 21.07.2016.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.Union of India,
rep. by Secretary,
National Highways Department,
New Delhi.

2.National Highways Authority of India,
rep. by its Project Director,
Incharge of NH 45, Dindivanam,
Villupuram District, Tamil Nadu.

3.The Competent Authority (L.A.),
NH-45, Tindivanam Bye Pass,
Villupuram Collectorate,
Villupuram District, Tamil Nadu.

+1cc to Mr.David Tyagaraj, Advocate SR.No.3990

W.P. No.43711 of 2016

SDR 08.03.2017