



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.11275 of 2017

Gandhimathi

... Petitioner

-vs-

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Special District Revenue Officer,
Land Acquisition,
National Highways, Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 09.05.2017 and to provide the compensation for the acquisition of her land in Survey No.223/1A, situated at Pothaiyadi, Thamaraikulam Village, Kanyakumari District for the formation of four lane road NH-47 (Kerala - Tamilnadu Border to Kanyakumari and NH-47B (Nagercoil to Kavalkinaru) under the Right to Fair Compensation and Rehabilitation of the Land Acquisition Act, 2013.

For Petitioner

: Mr.M.Ramu

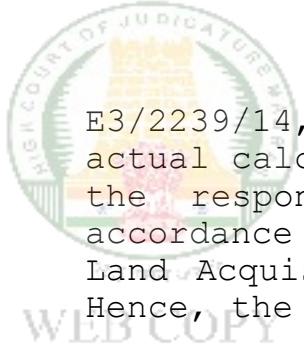
For Respondents

: Mr.J.Gunaseelan Muthiah
Government Advocate

O R D E R

This writ petition has been filed, seeking a direction to the respondents to consider the petitioner's representation dated 09.05.2017 and to provide the compensation for the acquisition of her land in Survey No.223/1A, situated at Pothaiyadi, Thamaraikulam Village, Kanyakumari District for the formation of four lane road NH-47 (Kerala - Tamilnadu Border to Kanyakumari and NH-47B (Nagercoil to Kavalkinaru) under the Right to Fair Compensation and Rehabilitation of the Land Acquisition Act, 2013.

2. The case of the petitioner is that National Highways Authority of India has taken up the road project in NH-47 and NH-47B for the formation of four lane road and has proposed to acquire lands about 420 hectares. His property in Survey No.223/1A situated at Pothaiyadi Thamaraikulam Village, Kanyakumari District has been notified for acquisition, wherein the authority has proposed to acquire 303 Sq.m. of land, for which he preferred objection. However, they proceeded and passed the Award No.1 of 2013 dated 25.02.2013 in ROC.No.J4/574/2009 fixing the lowest award amount to house, trees and land. Therefore, he filed an appeal before the first respondent/Arbitrator, wherein he prayed to enhance the award amount. The first respondent passed an order dated 04.12.2015 in



E3/2239/14, awarding only minimum amount without disclosing the actual calculation. Therefore, he sent a detailed representation to the respondents on 09.05.2017 to provide the compensation in accordance with Right to Fair Compensation and Rehabilitation of the Land Acquisition Act, 2013, but the same has not been considered. Hence, the present writ petition.

3. According to the learned counsel for the petitioner, the petitioner already submitted a representation dated 09.05.2017 to the authority concerned to consider his claim on the basis of the communication dated 19.05.2017 issued by the second respondent, in which it has been stated that after 01.01.2015, the award amount is being fixed as prescribed in Right to Fair Compensation and Rehabilitation of the Land Acquisition Act, 2013.

4. Heard the learned counsel on either side.

5. It is seen that though the initial Award has been passed in the year 2013, in appeal, the Award amount has been enhanced to the minimum level on 04.12.2015. In the meanwhile, the petitioner has obtained certain information from the 2nd respondent on 19.05.2017 and he wanted his representation to be disposed of on the basis of the said information.

6. Under such circumstances, this Court, without going into the merits of the matter, directs the respondents to consider the representation made by the petitioner on 09.05.2017 based upon the communication/ information dated 19.05.2017 of the second respondent and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Special District Revenue Officer,
Land Acquisition,
National Highways, Nagercoil,
Kanyakumari District.

+1cc to Mr.M.RAMU Advocate in SR. No.66470

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

JS/SV/SAR.1/27.7.2017/2P-4C

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