



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) Nos.11935 and 11706 of 2017

&

W.M.P. (MD) .Nos.9193 and 9017 of 2017

W.P. (MD) .No.11935 of 2017

1.Ulaganatha Pillai

2.K.U.Kamal

... Petitioners

Vs.

1. The Project Director,
National Highways Authority of India,
Thiagaraja Nagar,
Tirunelveli-627 011.

2. The Competent Authority cum District Revenue Officer
(LANH) NH47 & 47B,
Thiagaraja Nagar,
Tirunelveli -627 011.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 02.06.2017 in view of Section 3 E of the National Highways Act, 1956.

For Petitioners : Mr.D.Nallathambi

For Respondent : Mr.M.Alaga thevan

Special Government Pleader

W.P. (MD) .No.11706 of 2017

Ulaganatha Pillai

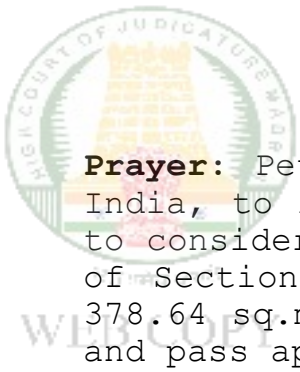
... Petitioner

Vs.

1. The Project Director,
National Highways Authority of India,
Thiagaraja Nagar,
Tirunelveli-627 011.

2. The Competent Authority cum District Revenue Officer
(LANH) NH47 & 47B,
Thiagaraja Nagar,
Tirunelveli -627 011.

... Respondents



Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 02.06.2017 in view of Section 3 E of the National Highways Act, 1956 (in respect of 378.64 sq. meter out of total 728.64 sq. meter in Re-survey No.37/2B) and pass appropriate orders, with a time stipulated by this Court.

For Petitioners : Mr.D.Nallathambi
For Respondent : Mr.M.Alaga thevan
Special Government Pleader

COMMON ORDER

These writ petitions have been filed for issuance of writ of Mandamus directing the respondents to consider the petitioners' representation, dated 02.06.2017 in view of Section 3E of the National Highways Act, 1956 (hereinafter referred as the Act).

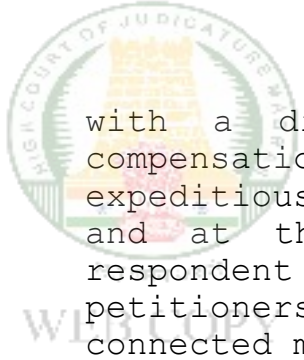
2. According to the petitioners, their land to an extent of 270 sq. meter and 378.64 sq. meter in re-survey No.37/1B1 and re-survey No.37/2B in Therekalputhoor Village, respectively were acquired by the respondents for the formation of Kanyakumari-Trivandrum National Highway. The petitioners would state that the respondent ought to have determined compensation under Section 3(G) and after making payment under Section 3(H) of the Act, can take possession of the lands.

3. Mr.D.Nallathambi, learned counsel for the petitioners would submit that the respondents have taken possession of the petitioners' land and also formed road, at the stage when the objections of the petitioners were under consideration by the first respondent under Section 3(D) of the Act. The learned counsel for the petitioners further submitted that the petitioners have sent representations to the respondents seeking compensation for the land taken over by the respondents and also for payment of additional compensation for violation of the provisions.

4. It is further submitted that since much water had already flown, it would be suffice, if the respondents are directed to determine the compensation for the land acquired and the additional compensation sought for by the petitioner and the process shall be concluded within a time frame.

5. Mr.M.Alaga Thevan, learned Special Government Pleader appearing for the respondents would submit that the objections of the petitioners and the representations submitted by the petitioners are under consideration by the second respondent.

6. Considering the limited prayer sought for in the writ petitions and considering the submissions made by the learned Special Government Pleader, these writ petitions are disposed of



with a direction to the second respondent to determine the compensation of the land acquired from the petitioners as expeditiously as possible, preferably within a period of two months and at the time of determining the compensation, the second respondent shall also consider the representations of the petitioners seeking additional compensation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Project Director,
National Highways Authority of India,
Thiagaraja Nagar,
Tirunelveli-627 011.
2. The Competent Authority cum District Revenue Officer
(LANH) NH47 & 47B,
Thiagaraja Nagar,
Tirunelveli -627 011.

+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 63045
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 63009

JIKR
TE/MR-KKR/SAR-I : 20/07/2017 : 3P/5C

Order made in
W.P. (MD) Nos. 11935 and 11706 of 2017 and
W.M.P. (MD) Nos. 9193 and 9017 of 2017
29.06.2017