

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.13293 of 2017**

WEB COPY

S.Jayasingh

... Petitioner

Vs.

1.The District Collector
Kanyakumari District,
at Nagercoil.

2.The Deputy General Manager
Project Director,
Project Implementation Unit,
(National Highways Authority)
No.314-E, K.P.Road, Near Ayappan Kovil,
Parvathipuram, Nagercoil
Kanyakumari District.

3.The Special District Revenue Officer,
Land Acquisition (National Highways)
Nagercoil & (Post),
Kanyakumari District,

4.The Special Tahsildar,
Land Acquisition (National Highways)
Vilavancode Taluk,
Kuzhithurai & Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 30.06.2017 and to re-fix the market value as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the 330 square meters of property in R.Sy.No.97/1 and to disburse the difference amount and also to disburse the unpaid compensation amount for the 1.300 cents of property in R.Sy.No.97/2 and also pay fair compensation for the Standing trees in the above said R.Sy.Nos.97/1 and 97/2 of Kulapuram Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner
For Respondents

: Mr.M.R.Sreenivasan
: Mr.J.Gunaseelan Muthiah,
Government Advocate

**ORDER**

This writ petition has been filed, seeking a Writ of Mandamus to direct the Respondents to consider the petitioner's representation dated 30.06.2017 and to re-fix the market value as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for 330 square meters of property in R.Sy.No.97/1 and to disburse the difference amount and also to disburse the unpaid compensation amount for 1.300 cents of property in R.Sy.No.97/2 and also pay fair compensation for the Standing trees in the above said R.Sy.Nos.97/1 and 97/2 of Kulapuram Village, Vilavancode Taluk, Kanyakumari District.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that he is the owner of the properties situated at Kulapuram Village, Vilavancode Taluk, Kanyakumari District in R.Sy.Nos.97/1 and 97/2, measuring 330 square meters (47 ½ cents) and 1.300 cent. The grievance of the petitioner is that the Revenue Officials acquired the said lands in the year 2016 for the purpose of Golden 4 Track National Highway and fixed a value of Rs.5,000/- per cent and paid a sum of Rs. 15,43,129/- for the property in R.Sy.No.97/1. But the respondents have not paid any compensation for 1.300 cent in R.Sy.No.97/2 and have also not taken into account the grown up trees in R.Sy.No.97/1. According to the petitioner, he has purchased the said property in the year 2003, in favour of his wife, valued at Rs.10,000/- per cent. Now, the market value has been increased to Rs.2,00,000/- per cent. The petitioner is depending on the income derived from those rubber and other trees. The forest department has given a detailed report stating that there are 27 yielding rubber trees aged 11 years. But the respondents failed to consider those aspects and failed to pay the fair compensation. Hence, he made a representation to the respondents, dated 30.06.2017 in this regard and since the same was not considered so far, the petitioner is before this Court.

4. Learned counsel for the petitioner has submitted that though the petitioner has sought for a larger relief, the petitioner has, however restricted his relief to the extent of consideration of the representation dated 30.06.2017 submitted by the petitioner with a time frame to be fixed by this Court.

5. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 30.06.2017 and pass appropriate orders, on its own merit and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.



6. The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

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To:

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Vilavancode Taluk,
Kuzhithurai & Post,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.70242

+1cc to Mr.M.R.SREENIVASAN Advocate in SR. No.69890

RM/AR

JS/GT/SAR.1/10.08.2017/3P-7C

W.P(MD)No.13293 of 2017
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