



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.1374, 2448 to 2450 & 2626 of 2017 and
W.M.P.(MD) Nos.1112, 2072 to 2074 & 2174 of 2017

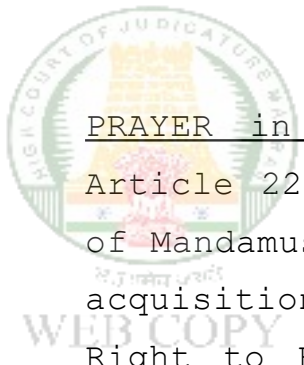
1. Dr.R.Mohandhas ...Petitioner in W.P.(MD) No.1374 of 2017
2. K.Sindukumar ...Petitioner in W.P.(MD) No.2448 of 2017
3. R.Kaslidasan ...Petitioner in W.P.(MD) No.2449 of 2017
4. Dr.M.Badri Ramnath ...Petitioner in W.P.(MD) No.2450 of 2017

1. R.Kosalai
2. R.Kumaradhas
3. Dr.R.Mohandhas ...Petitioners in W.P.(MD) No.2626 of 2017

-vs-

1. The Government of India
Rep. by its Secretary,
Ministry of Road and Transport and Highways,
Parivahan Bavan, No.1, Parliament Street,
New Delhi.
2. The Chairman,
National Highways Authority of India,
G-5 & 6, Sector-10, Dwarka,
New Delhi - 100 075.
3. The Chief General Manager,
Chennai Region,
National Highways Authority of India,
8th Floor, Annex Building, SPIC House,
88, Mount Road, Guindy,
Chennai-32.
4. The Project Director,
National Highways Authority of India,
112, Rahmath Nagar East,
Tirunelveli - Tuticorin Road, Tirunelveli -11.
5. The Competent Authority /
The Special Revenue Divisional Officer,
(Land Acquisition), National Highways,
Collector's Office Camps, Nagercoil - 629 001,
Kannur District.

... Respondents



PRAYER in W.P.(MD) No.1374/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and dispose the acquisition proceedings with reference to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) and also pass necessary orders thereupon and further direct the respondents to award necessary compensation as per section 93(2) of the said Act on considering the facts and circumstances of the said case.

COMMON PRAYER in W.P.(MD) Nos.2448 to 2450/2017: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and dispose the acquisition proceedings with reference to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) in relation to the property bearing Survey Nos.22/4A (measuring to an extent of 100 sq.mt.) 19/16C (measuring to an extent of 300 sq.mt and 29/3A measuring to an extent of 970 sq.mt.) and 19/16G2 (measuring to an extent of 70 sq.mt.) situated at Aloor Village, Kalkulam Taluk, Kanyakumari District and also pass necessary orders thereupon and further direct the respondents to award necessary compensation as per Section 93(2) of the said Act on considering the facts and circumstances of the said case.

PRAYER in W.P.(MD) No.2626/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and dispose the acquisition proceedings with reference to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) in Survey No.22/1D measuring to an extent of 350 sq.mtr. situated at Aloor Village, Kalkulam Taluk, Kanyakumari District and also pass necessary orders thereupon and further direct the respondents to award necessary compensation as per section 93(2) of the said Act on considering the facts and circumstances of the said case.

For Petitioners	: Mr.S.Palani Velayutham
For R1	: Mr.C.Nandagopal
For R2 to R4	: Mr.SU.Srinivasan, CGSC.,
For R5	: Mr.J.Gunaseelan Muthiah
	Govt. Advocate

C O M M O N O R D E R

The issue involved in all these writ petitions is one and the same and therefore, all these matters are taken up together for final disposal by way of this common order.

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2. For the sake of brevity, the facts are being taken from W.P.(MD) No.1374 of 2017, in which, the petitioner sought for a direction to the respondents to consider and dispose the acquisition proceedings with reference to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) and also pass necessary orders thereupon and further direct the respondents to award necessary compensation as per section 93(2) of the said Act on considering the facts and circumstances of the said case.

3. Heard the learned counsel for the parties.

4. It is the case of the petitioner in W.P.(MD) No.1374 of 2017 that his property was under acquisition proceedings for formation of four lane road and the petitioner submitted his objection under Section 3C(1) of the National Highways Act, 1956 (in short "the Act") for the same. However, without considering the same, the respondents passed the award belatedly and there was also a delay in disbursement of quantum of compensation. Aggrieved by the overall attitude of the respondents, the petitioner is before this Court for appropriate relief.

5. When these matters were taken up for hearing, the learned counsel for the respondents would submit that there is an appeal remedy available for the petitioners under Section 3-G(5) of the Act and without exhausting the same, these petitions have been filed prematurely. For better appreciation, Section 3-G(5) of the National Highways Act, 1956 is extracted as under:

"(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government."

6. In view of the above submissions, these writ petitions are disposed of, granting liberty to the petitioners to file necessary appeal under Section 3-G(5) of the Act before the concerned authority, namely, District Collector within a period of two weeks from the date of receipt of a copy of this order and on such appeal being filed, the same shall be entertained without any objections as to the limitation aspect and suitable orders be passed thereon on merits and in accordance with law as expeditiously as possible, after affording due opportunity of



hearing to the petitioners and the respondents. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar.

To:

1. The Secretary, Government of India
Ministry of Road and Transport and Highways,
Parivahan Bavan, No.1, Parliament Street, New Delhi.
 2. The Chairman, National Highways Authority of India,
G-5 & 6, Sector-10, Dwarka, New Delhi - 100 075.
 3. The Chief General Manager, Chennai Region,
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8th Floor, Annex Building, SPIC House,
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 4. The Project Director, National Highways Authority of India,
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 5. The Competent Authority /The Special Revenue Divisional Officer,
(Land Acquisition), National Highways, Collector's Office Camps,
Nagercoil - 629 001, Kanyakumari District.
 6. The District Collector, Kanyakumari District, Kanyakumari.
- +5CC to Mr.S.Palani Velayutham, Advocate, SR.No.82204
+4CC to Mr.C.Nandagopal, CGSC, SR.No. 82097, 82101, 82099
& 82106
+4CC to Mr.SU.Srinivasan, ASGI, SR.No.82098, 82102,
82100 & 82105.
+1CC to the Special Government Pleader SR.No.82291,, 82290, 82288,
82282

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JM/SV MMS/SAR 2/24.10.2017/2P/21C