



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.21073 of 2017

1.Mariappan

2.Muthulakshmi

... Petitioners

-vs-

1.The Special District Revenue Officer,
Land Acquisition (N.H),
District Collector Office,
Ramanathapuram District.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Special Tahsildhar (L.A)
N.H-49, Unit-I
Manamadurai,
Sivagangai District.

4.The Deputy Director,
National Highways Authority of India,
307, Melur Main Road,
K.K.Nagar, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the fair and just compensation to the petitioner, for acquisition of their land measuring 626 Sq.Mtr in S.No.2/1B1B in Nel mudikkarai Village, in Tirupuvanam Taluk, Sivagangai District, within a reasonable time to be fixed by this Court.

For Petitioners : Mr.R.Suriyanarayanan

For Respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

**ORDER**

This petition has been filed, seeking a direction to the respondents to disburse a fair and just compensation to the petitioners for acquisition of their land measuring to an extent of 626 Sq.Mtrs in S.No.2/1B1B in Nel mudikkarai Village, Tirupuvanam Taluk, Sivagangai District.

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the respondents. By consent on either side, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that their lands were proposed to be acquired for the purpose of widening NH-49 without following the due process of law, pursuant to which, they approached the 3rd respondent for disbursement of compensation amount. However, the 2nd respondent has not passed any order to that effect, on account of the objection raised by HR&CE Department for such disbursement. Hence, he submitted a representation dated 13.10.2017 to the 1st respondent with a copy to other respondents for release of the amount as per Section 3-H of the National Highways Act and pursuant to the inaction on the part of the respondents, the petitioner is before this Court seeking above direction.

4. The learned Additional Government Pleader appearing for the respondents would submit that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered in a time bound manner.

5. Considering the facts and circumstance of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matters, directs the respondents, more particularly the 1st respondent to consider the representation of the petitioner dated 13.10.2017 and pass suitable orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any in the light of the provisions of Section 3-H of the National Highways Act.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To:

1. The Special District Revenue Officer,
Land Acquisition (N.H),
District Collector Office,
Ramanathapuram District.

2. The District Revenue Officer,
Sivagangai District,
Sivagangai.

3. The Special Tahsildhar (L.A)
N.H-49, Unit-I
Manamadurai,
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4. The Deputy Director,
National Highways Authority of India,
307, Melur Main Road,
K.K.Nagar, Madurai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 87954
+1cc to Mr.R.SURIYANARAYANAN Advocate in SR. No. 87384

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JS/GT/SAR.4/30.11.2017/3P-7C

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