



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.8347 of 2017

Devayani

... Petitioner

Vs.

1.The Project Director,
National Highways Authority of India,
No.54, First Floor,
Natarajapuram North Colony,
Medical College Road,
Thanjavur - 613 004.

2.The District Collector / Arbitrator,
District Collector Office,
Tiruvarur District.

3.The Competent Authority cum
Special District Revenue Officer,
National Highway (LA) - NH 45C,
Tiruvarur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 03.01.2017 and initiate arbitration proceedings in the light of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and grant enhancement of compensation.

For Petitioner : Ms.P.Yasmin Begum

For Respondents : Mr.R.Rajagopal, for R.1

Mr.S.Kumar,

Additional Government Pleader

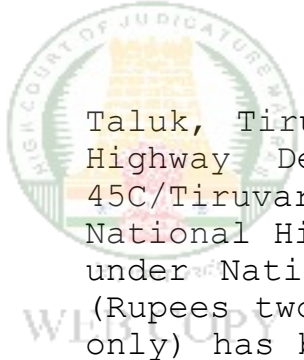
for RR.2 & 3

ORDER

This writ petition has been filed by the petitioner to issue a Writ of Mandamus to direct the second respondent to consider the petitioner's application dated 03.01.2017 and to initiate arbitration proceedings in the light of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and grant enhancement of compensation.

2.The case of the petitioner in nutshell is as follows:

<https://hcservices.ecourts.gov.in/hcservices/> Punjai Padugai Lands belonging to the petitioner situated in R.S.No.3/7B and 3/8 measuring to an extent of 1780 sq feet, equivalent to 18.5 acres in Nallur Village, Valangaimaan



Taluk, Tiruvarur District, were acquired by the Road Transport and Highway Department vide Notification in Na.Ka.No.1023/11/91/NH-45C/Tiruvarur dated 02.01.2014, for the purpose of laying Two Way National Highway Road connecting Thanjavur - Kumbakonam - Vikravandi under National Highways Act 48 of 1956. A sum of Rs.2,36,768/- (Rupees two lakhs thirty six thousand seven hundred and sixty eight only) has been awarded as compensation for the said acquisition and the same was deposited to the petitioner's account on 15.12.2016.

2.2.While so, the grievance of the petitioner is that the land acquisition proceedings has been initiated under National Highway Act, 1956 and the applicability of the provisions of New Act, 2013 was not considered by the authority concerned. The notification for the proposed land acquisition was made on 02.01.2014, whereas the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) has come into force w.e.f., 01.01.2014, therefore the petitioner is eligible to be covered by the New Act, which will have an impact on the compensation offered to him. Therefore the petitioner approached the second respondent by representation dated 03.01.2017, for re-determining the compensation as per the provisions enacted in New Act, 2013. On the said representation, certain clarifications were called for by the second respondent, for which the petitioner submitted a reply letter on 01.02.2017. Thereafter, there was no improvement on the matter. Aggrieved by the same, the petitioner is before this Court with the aforesaid prayer.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The learned Counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 01.02.2017, is disposed of by the respondents as per law.

5.On the other hand, the learned Additional Government Pleader fairly submitted that the representation of the petitioner shall be considered by the authorities concerned, if the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is applicable to him.

6.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner dated 01.02.2017, for initiation of arbitration proceedings in the light of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if applicable, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



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

Sd/-
Assistant (A.E)

/True Copy/

Sub Assistant Registrar

To

- 1.The Project Director,
National Highways Authority of India,
No.54, First Floor,
Natarajapuram North Colony,
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- 2.The District Collector / Arbitrator,
District Collector Office,
Tiruvarur District.
- 3.The Competent Authority cum
Special District Revenue Officer,
National Highway (LA) - NH 45C,
Tiruvarur District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.67956
+1cc to Mr.DR.R.RAJAGOBAL Advocate in SR. No.67092
+1cc to Ms.P.YASMIN BEGUM Advocate in SR. No.67383
GK
JS/GT/SAR.2/2.8.2017/3P-7C

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24.07.2017