

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10760 of 2017

P.Thandavaraya Padayachi

... Petitioner

vs.

1. The Special District Revenue Officer,
(Land Acquisition),
National Highways No.68,
3-B/8, Ram Nagar,
Swarnapuri 2nd gate,
Salem 636 004.

2. The Special Thasildar,
(Land Acquisition),
National Highways No.68,
Attur,
Salem District.

3. The Chairman,
National Highways Authority,
No.5, 6th Sector, Dwaraga,
New Delhi-110 075.

4. The Project Director,
National Highways Authority,
No.221-A/3, Narijothipatti, Salem-4.

5. The Divisional Officer,
National Highways Authority,
No.32, Sri Kasthuri Tower,
3rd Floor, Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

[R3 to R5 are impleaded as per the order
of this Court, dated 06.02.2018 in
WMP.No.27345 of 2017 in W.P.No.10760 of 2017]

Writ Petition filed under Article 226 of the Constitution
of India praying for the issuance of a Writ of Mandamus to
direct the respondents 1 and 2 paying the compensation amount
for the land acquired in Survey Nos.83/1, 83/3 and 83/4 total

extent of 0.73 $\frac{1}{4}$ cents situate in A.Valapaddi Village, now Valappady Taluk, Salem District as per the compromise final decree passed in I.A.No.82/2017 in O.S.No.89/2006 by the final decree passed by the learned Principal Subordinate Judge, Salem, dated 22.03.2017 and on representation by the petitioner P.Thandavaraya Padayachi to the respondents 1 and 2 and acknowledge the same by them on 05.11.2016 and 07.11.2016.

For Petitioner : Mr.P.B.Sampath Kumar,
for M/s.Ravi Bharathi
For Respondents :Mr.Akhil Akbar Ali, (for RR1 & 2)
Mr.Richardson Wilson
for M/s.Wilson Associates (for RR3 & 4)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel for the respondents 3 & 4.

2. This Writ petition has been filed for a direction to the respondents 1 and 2 to pay compensation for the land acquired in Survey Nos.83/1, 83/3 and 83/4 total extent of 0.73 $\frac{1}{4}$ cents situated in Valappady Taluk, Salem District, as per the compromise final decree passed in I.A.No.82/2017 in O.S.No.89/2006.

3. The learned counsel for the petitioner submitted that one Chandra along with four others instituted a suit against the petitioner and four others claiming partition and separate possession. In the suit a preliminary decree was passed on 04.12.2007. Assailing the findings, the appeal suit and second appeal preferred by the petitioner in A.S.No.53 of 2008 and S.A.No.157 of 2009, respectively, have been rejected. Subsequently, in the final decree proceedings, the matter ended in compromise in I.A.No.82 of 2017.

4. The learned counsel for the petitioner further submitted that in the meanwhile, the respondents have determined the compensation and also passed an award and as per the compromise decree, the petitioner is entitled for the entire compensation. Since the amount was not paid, based on his representation, he has come up with this Writ Petition.

5. The learned Government Advocate submitted that the petitioner has not so far produced the case papers and if all the records are placed before the first respondent, he is ready to consider and pass appropriate orders on merits and in accordance with law.

6. In the light of the prayer sought for in the Writ Petition and the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 04.11.2016 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

pvs

TO

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National Highways Authority,
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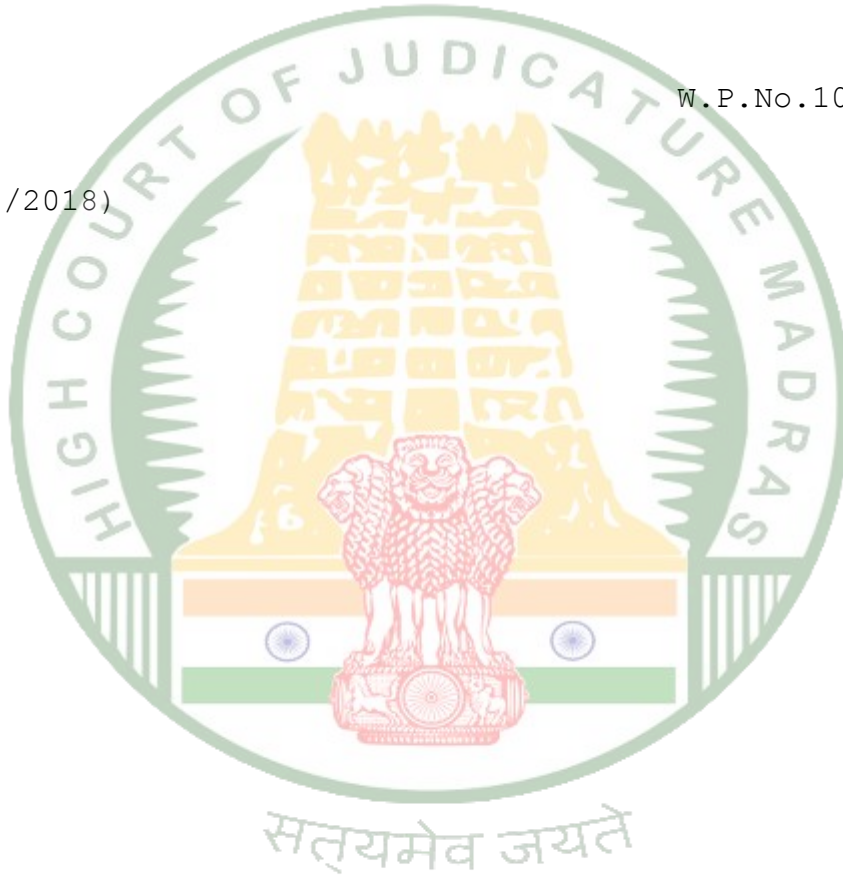
4. The Project Director,
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5. The Divisional Officer,
National Highways Authority,
No.32, Sri Kasthuri Tower,
3rd Floor, Industrial Estate,
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+1cc to Mr.M.Ravibharathi, Advocate SR.No.30134

AK(CO)
GN(24/04/2018)

W.P.No.10760 of 2017



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