

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.7689 of 2018

M.Sasikala

...Petitioner

Vs.

1. The District Collector-cum-Arbitrator,
Under the National Highways Act,
Collectorate, Villupuram.
2. The National Highways Authority of India,
No.D P 34, Sri Towers,
South Phase, 3rd Floor,
Guindy, Chennai - 600 032.
3. The Special District Revenue Officer (LA),
NH-68, Competent Authority,
Under National Highways Act,
Collectorate, Villupuram,
Villupuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to consider the representation of the petitioner dated 28.02.2018 in the light of the award passed in Na.Ka.(Arbit) A2/ 28685 / 2012, dated 05.09.2016 and extend the same benefits to the petitioner along with granting of 30% Solatium as per the decision of the Hon'ble Supreme Court in CA.No.129-159 of 2014, dated 21.07.2016.

For Petitioner : Mr.D.Muthukumar
for M/s.Paul and Paul

For Respondents : Mr.Akhil Akbar Ali, G.A. (for RR1 & 3)
Mrs.S.R.Sumathy (for R2)

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondents 1 and 3 and Mrs.S.R.Sumathy, learned counsel takes notice for the 2nd respondent. By consent, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The learned counsel for the petitioner submitted that the land of the petitioner in Survey Nos.8/4 and 8/5 to an extent of 552 square meter situated at Chinnasalem, in Villupuram District, was acquired by the 2nd respondent in the year 2009 for widening of National Highways No.68. The Special District Revenue Officer (LA) / 3rd respondent, originally fixed the compensation at Rs.22,466/- and that was enhanced to Rs.8,63,698/-, based on the representation of the petitioner.

3. It is further submitted that the District Collector, Villupuram, who is the appellate authority has recently enhanced the compensation to 30% for the house plots and 100% for the agricultural lands. Subsequently, the petitioner made a representation dated 28.02.2018 seeking enhancement of compensation. Since no favourable order was forthcoming, the present Writ Petition.

4. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner would be considered in accordance with law.

5. In the light of the above 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 28.02.2018 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the necessary parties.

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

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-IV)

//True Copy//

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Sub Assistant Registrar

pvs

To

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+ 1 cc to M/s. Paul and Paul, Advocate Sr.24920
+ 1 cc to the Government Pleader Sr.30361

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PPA(CO)
EU(08/05/2018)



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