

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9759 of 2018

V.Mari

... Petitioner

vs.

1. The District Collector,
Villupuram District.
 2. The Project Director,
National Highways Commission,
Door No.212-3/D3-1, Sri Nagar Colony,
Narasodhipatti, Salem - 636 004.
 3. The Special District Revenue Officer,
Salem.
 4. The Special Thasildar (Land Acquisition),
National Highways - 68,
No.10-C, Narayanasamy Street,
South Udayarpalayam,
Attur - 632 102,
Salem District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to pay compensation at the rate of Rs.30/- per square meter for having acquired the lands of the petitioners comprised in Survey No.27/9B2 and 27/10B measuring an extent of 366 Square Meter situated in Vazhavandhan Kuppam Village, Kallakurichi Taluk, Villupuram District as per the proceedings bearing Na.Ka.(Arbit)A2/14809/2013, dated 17.06.2016 of the first respondent, on par with other land owners, by considering the representation dated 18.07.2016 of the petitioner within a time limit to be specified by this Court.

For Petitioner : M/s.S.Mani

For Respondent : Mr.Akhil Akbar Ali, G.A.
(for R1, R3 & R4)
Mrs.S.R.Sumathy (for R2)

ORDER

Mr.Akhil Akbar Ali, the learned Government Advocate takes notice for the respondents 1, 3 and 4 and Mrs.S.R.Sumathy, learned Standing Counsel takes notice for the 2nd respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The petitioner would state that his lands in Survey Nos.27/9B2 and 27/10B measuring an extent of 366 square meter was acquired by the respondents by invoking the provisions of the National Highways Act. The 3rd respondent had fixed the compensation at the rate of Rs.19/- per square meter and an application filed before the respondents seeking enhancement of compensation was rejected by the 1st respondent.

3. The learned counsel for the petitioner submitted that in respect of the neighbouring land owners, the 1st respondent has enhanced the compensation at Rs.30 per square feet. Hence, the petitioner made representation to the 1st respondent on 18.07.2016 for re-determining the compensation. Since no action was taken, the present Writ Petition.

4. The learned Government Advocate submitted that if a fresh representation is given by the petitioner to the 1st respondent, the same would be considered in accordance with law.

5. In the light of the prayer sought for in this Writ Petition and the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the petitioner to give fresh representation to the first respondent, by enclosing a copy of this order within a period of two weeks. On such compliance, the first respondent is directed to consider the same on merits and in accordance with law, after providing an opportunity of hearing to the petitioner, within a period of twelve weeks therefrom.

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

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

pvs

To

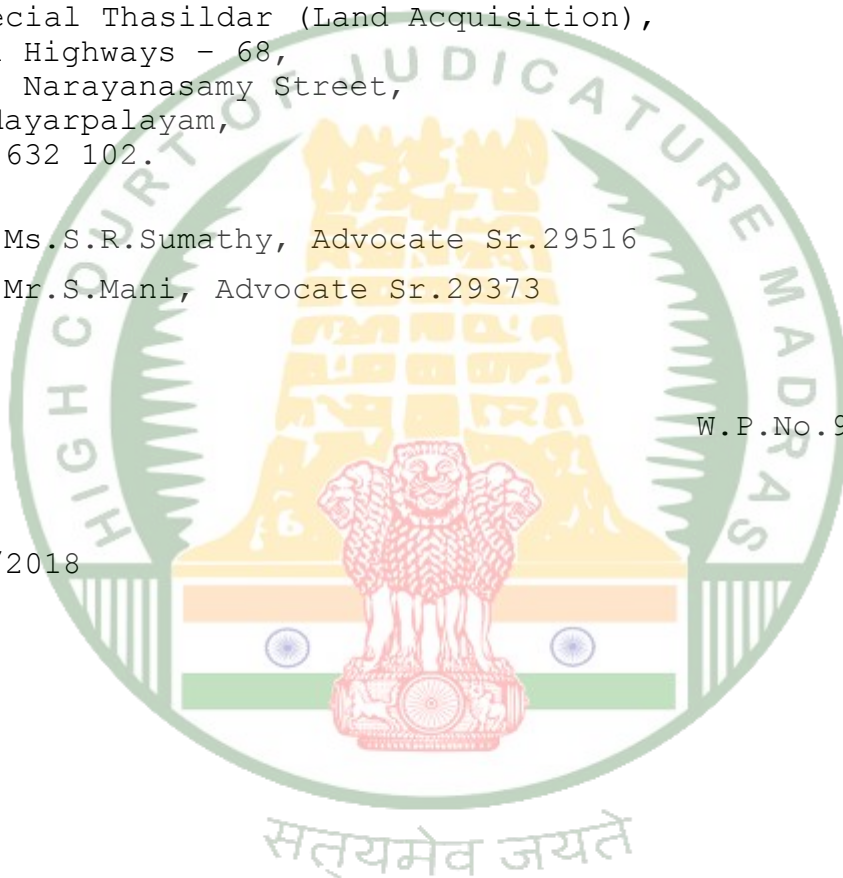
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+1cc to Ms.S.R.Sumathy, Advocate Sr.29516

+1cc to Mr.S.Mani, Advocate Sr.29373

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