

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.3952 and 3953 of 2018
and
W.M.P.Nos.4840 and 4841 of 2018

S.P.Anthonisamy

... Petitioner
in both W.Ps.

Versus

1. Government of India
Ministry of Road Transports and Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.
2. District Collector,
Cuddalore,
Cuddalore District.
3. The Competent Authority & District
Revenue Officer,
(Land Acquisition), National Highways,
No.64, Seetharaman Nagar,
3rd Cross Street, Pudupalayam,
Cuddalore.

... Respondents
in both W.Ps.

Prayer in W.P.No.3952 of 2018:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent award in Ref.No.Na.Ka.Tha.Naa.Ne.A/A1/39/2014, dated 07.07.2017 and to quash the same insofar as the petitioner is concerned and to further direct the 3rd respondent to follow the 1st respondent's comprehensive guidelines in NH-11011/30/2015-LA dated 28.12.2017 whilst fixing the compensation payable for the petitioner's land at Survey Nos.33/8B, 33/9A2 in Lalpuram Village and Chidambaram Taluk, Cuddalore District.

Prayer in W.P.No.3953 of 2018:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent award in Ref.No.Na.Ka.ThaNaa.Ne.A/A1/15/2015 dated 28.09.2017 and to quash the same in so far as the petitioner is concerned and to further direct the 3rd respondent to follow the 1st respondent's comprehensive guidelines in NH-11011/30/2015-LA dated 28.12.2017 whilst fixing the compensation payable for the petitioner's land at Survey Nos.39/6B & 40/1B in Melasokkanathan Pettai Village, Chidambaram Taluk, Cuddalore District.

For Petitioner : Mr.B.Raviraja
(in both W.Ps.)

For Respondents: Mr.Madhanagopal Rao for R1
(in both W.Ps)

Mr.Akhil Akbar Ali
Government Advocate for R2 & R3
(in both W.Ps)

C O M M O N O R D E R

Heard Mr.B.Raviraja learned counsel for the petitioner, Mr.Madhanagopal Rao, learned counsel for the first respondent and Mr.Akhil Akbar Ali, learned Government Advocate for the respondents 2 and 3 and perused the materials available on record.

2. These writ petitions have been filed challenging the award passed in Ref.No.Na.Ka.ThaNaa.Ne.A/A1/39/2014 and Ref.No.Na.Ka. Tha. Naa.Ne.A/A1/15/2015, dated 07.07.2017 and 28.12.2017, respectively.

3. The case of the petitioner is that lands owned by him have been taken over by the respondents by invoking Land Acquisition Act, but, despite his representations compensation was not paid and only after an order passed in W.P.No.26670 of 2017 and initiating contempt proceedings award amount was deposited.

4. The learned counsel for the petitioner submitted that after filing of these writ petitions, the award amount was deposited in the account of the petitioner and as per the direction of this Court in Contempt Petition No.59 of 2018, the petitioner is ready and willing to go before the

Arbitrator-cum- District Collector, to pursue their case.

5. According to the learned counsel for the petitioner, the respondents have to pay compensation as per the guidelines issued by the Ministry of Road Transport & Highways, dated 28.12.2017.

6. In the light of the above submissions, this Court directs the petitioner to file an application before the Arbitrator-cum-District Collector, by enclosing a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the Arbitrator-cum- District Collector, shall consider the same and pass orders on merits and in accordance with law, within a period of six months therefrom.

7. With the above direction, these Writ Petitions are closed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms/vsa
To

1. District Collector,
Cuddalore, Cuddalore District.
2. The Competent Authority & District
Revenue Officer,
(Land Acquisition), National Highways,
No.64, Seetharaman Nagar,
3rd Cross Street, Pudupalayam,
Cuddalore.

+2ccs to Mr.B.Raviraja , Advocate, S.R.No.42906
+1cc to Mr.J.Madhanagopal Rao, Advocate, S.R.No.43352
+1cc to the Special Government Pleader, S.R.No.44619

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SVN(CO)
CS/24/07/18