

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.23447 of 2017

Loganathan

... Petitioner

Vs.

1.The District Collector-cum-Arbitrator,
Under the National Highways Act,
Collectorate, Kancheepuram,
Kancheepuram District.

2.The Competent Authority &
Special District Revenue Officer (L.A),
National Highways,
Kancheepuram,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, to call for the records of the 1st respondent District Collector cum Arbitrator in Na.Ka.No.14037/2015/F5, dated 29.12.2016 and quash the same and consequently direct the 1st respondent to conduct the proceedings for redetermination of compensation by providing an opportunity as mentioned in the judgment of this Court passed in WP (MD) No.3832/2010 and WP.No.24146/2013.

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

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

Heard Mr.D.Muthukumar, learned counsel for the petitioner and Mr.Akhil Akbar Ali, learned Government Advocate for the respondents and perused the materials available on record.

2.This writ petition has been filed challenging the order passed by the first respondent dated 29.12.2016 and consequently direct the first respondent to conduct the proceedings for re-determination of compensation by providing an opportunity.

3. The case of the petitioner is that his land measuring to an extent of 27 sq.mts in Town S.No.7/2, situated at GST Road, Tambaram (South) was acquired by the respondents for expansion of National Highways. The second respondent passed an award under the provisions of National Highways Act. Aggrieved over by the award, the petitioner preferred an application dated 06.05.2015 before the first respondent seeking re-determination of compensation.

4. The grievance of the petitioner is that the first respondent had not provided any opportunity for filing of documents and on the date of hearing, the request of the petitioner was rejected.

5. The learned counsel for the petitioner submitted that in similar circumstances, this Court in W.P.No.15471 of 2017, set aside the award and remitted back the case to first respondent for redetermination.

6. It is contended by the learned Government Advocate that the first respondent has provided sufficient opportunity to the petitioner and hence no interference is required in this writ petition.

7.It is the specific case of the petitioner that on date of hearing, the petitioner's Advocate filed a vakalat and sought time to file necessary documents before the first respondent, but, he has not provided any reasonable opportunity and concluded it in a whimsical manner. This Court in the earlier writ petition after perusing the original records, set aside the award and remitted back to the first respondent for re-determination holding that the owners were not given sufficient opportunity to lead evidence.

8. Taking note of the above facts, the order impugned in this writ petition is set aside and the matter is remitted back to the first respondent, who shall re-determine compensation in

accordance with law after providing sufficient opportunity to the petitioner, within a period of six months from the date of receipt of a copy of this order. Accordingly, this writ petition is allowed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ms
To

- 1.The District Collector-cum-Arbitrator,
Under the National Highways Act,
Collectorate, Kancheepuram,
Kancheepuram District.
- 2.The Competent Authority &
Special District Revenue Officer (L.A),
National Highways,
Kancheepuram,
Kancheepuram District.

+1cc to M/S.Paul & Paul, Advocate Sr.45679

W.P.No.23447 of 2017

srg 24/07/2018

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