

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24..09..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.22659 of 2018

D.Malarkodi

... Petitioner

-Versus-

1.The Special District Revenue Officer,
Land Acquisition,
National Highways No.227,
Tiruchirapalli.

2.The Special Tahsildar,
Land Acquisition,
National Highways No.227,
Unit-1, Ariyalur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to reopen the enquiry proceedings for fixation of compensation amount to the lands of the petitioner comprised in S.No.277/6A and S.No.277/8 situate in Poondi Village, Ariyalur Taluk, after affording sufficient opportunity of personal hearing to the petitioner.

For Petitioner : M/s.Babu Rangasamy
Associates

For Respondents : Mr.C.Thirumaran,
Spl. Government Pleader
(Land Acquisition) for
R1 & R2

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents to reopen the Award Enquiry proceedings insofar as it relates to the petitioner is concerned for fixation of compensation for her land comprised in S.No.277/6A and S.No.277/8 situate in Poondi Village, Ariyalur Taluk, which were acquired by the State for the purpose of widening the Tiruchy-Chidambaram National Highways (NH-227).

2. According to the petitioner the competent authority had not given opportunity of hearing to the petitioner during award enquiry and a copy of the award has also not been furnished to the petitioner.

3. Heard both sides.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that an award enquiry was conducted by the 2nd respondent, in which, the petitioner had appeared and raised her objection and the 2nd respondent after having considered the objection of the petitioner, had passed an award for a sum of Rs.77344/- and Rs.2428/- respectively insofar as the petitioner's lands are concerned. The learned Special Government Pleader has also produced a Xerox copy of the award.

5. Considering the fact that the petitioner herself had appeared before the 2nd respondent during award enquiry and after having considered the objections made by the petitioner, the 2nd respondent had passed an appropriate award in Award No.4 of 2017, the contention of the petitioner she was not given opportunity of hearing cannot be countenanced. If she feels aggrieved by the award, it is always open to her to challenge the award in the manner known to law.

6. At this juncture, the learned counsel for the petitioner submitted that a copy of the award has not been furnished to the petitioner. Therefore, the respondents are directed to furnish a copy of the award to the petitioner to enable him to challenge the same in accordance with law.

7. In the result, this writ petition is disposed of accordingly. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

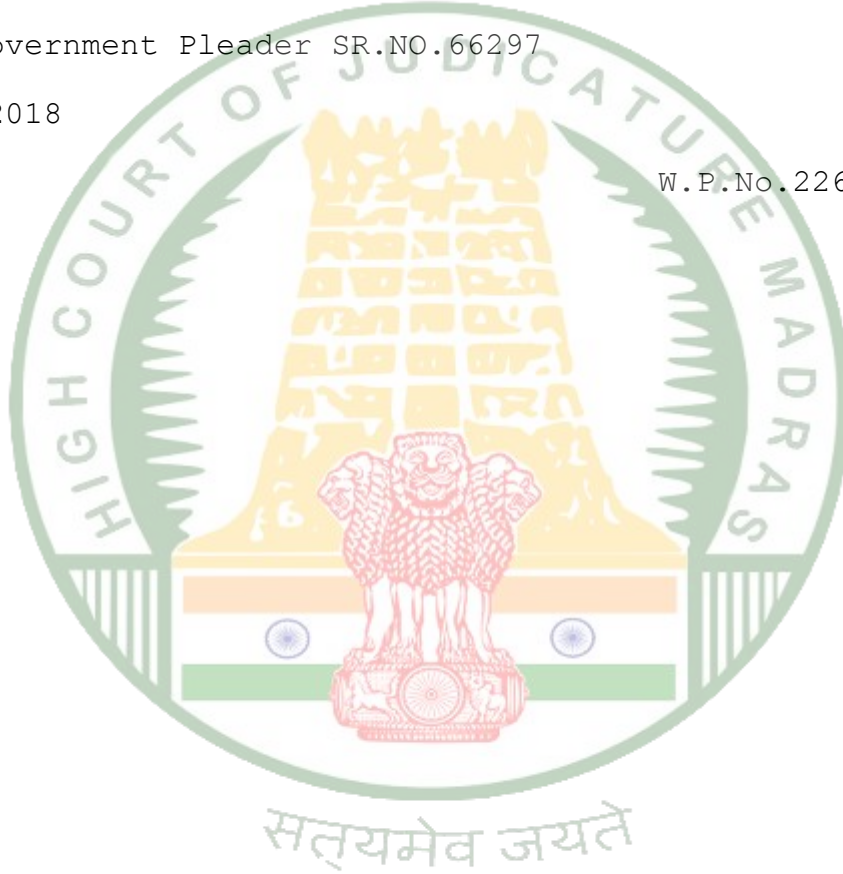
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+1cc to Government Pleader SR.NO.66297

sm:17.10.2018

W.P.No.22659 of 2018



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