

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6800 of 2010

and

MP.No.2 of 2010

R.Ramasamy

... Petitioner

Vs

1.The District Collector,
Collectorate Building,
Salem District.

2.The Special Tahsildar,
Land Acquisition,
National Highways No.7
Four Ways,
Zone-3, Salem.

3.The Competent Authority cum
Special District Revenue Officer (Land Acquisition)
National Highways Land Acquisition
Under the Land Acquisition Act,
National Highways Authority of India, -7, 46 M47
Salem Krishnagiri at
Krishnagiri.

... Respondents

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 second respondent made in proceedings Na.Ka.No.73/2007 (A2) dated 28.10.2009 and consequential order passed by the third respondent made in proceedings Na.Ka.No.1971/09(A2) dated 03.12.2009 and quash the same and consequently, direct the third respondent to refer the dispute to the decision of the principal civil court of Original Jurisdiction within the limits of whose jurisdiction the land is situated and to consider the claims of the petitioner for payment of compensation in the light of the provisions of Section 3-H(4) of the National Highways Act 1956 and consequently direct the first respondent to initiate arbitration proceedings based on the letter dated 18.1.2010 issued by the petitioner for enhancement of compensation.

For Petitioner : Mr.N.Umapathi

For R1 to R3 : Mr.J.Ramesh, AGP

ORDER

The petitioner has filed this writ petition to quash the proceedings dated 28.10.2009 passed by the second respondent and the consequential order dated 03.12.2009 passed by the third respondent and for consequential relief.

2.However, when the matter was taken up for consideration, the learned counsel for the petitioner fairly submitted that it would suffice, if the representation dated 18.01.2010 made by the petitioner to the first respondent, seeking a direction to the third respondent to refer the dispute between the petitioner and other claimants, with regard to the payment of compensation under Section 3H(4) of the National Highways Act to the competent Civil Court, be directed to be disposed of by the first respondent within a reasonable time to be fixed by this Court.

3.The learned Additional Government Pleader appearing for the respondents has no serious objection in granting such a relief to the petitioner. He also brought to the notice of this Court to the order passed in WP.No.1722 of 2007 dated 28.03.2007.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the representation dated 18.01.2010 submitted by the petitioner, if not considered earlier, taking into consideration the earlier order of this Court dated 28.03.2007 passed in WP.Nos.1722/2007 etc batch of cases and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as any of the interested parties. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Collectorate Building,
Salem District.

2.The Special Tahsildar,
Land Acquisition,
National Highways No.7
Four Ways,
Zone-3, Salem.

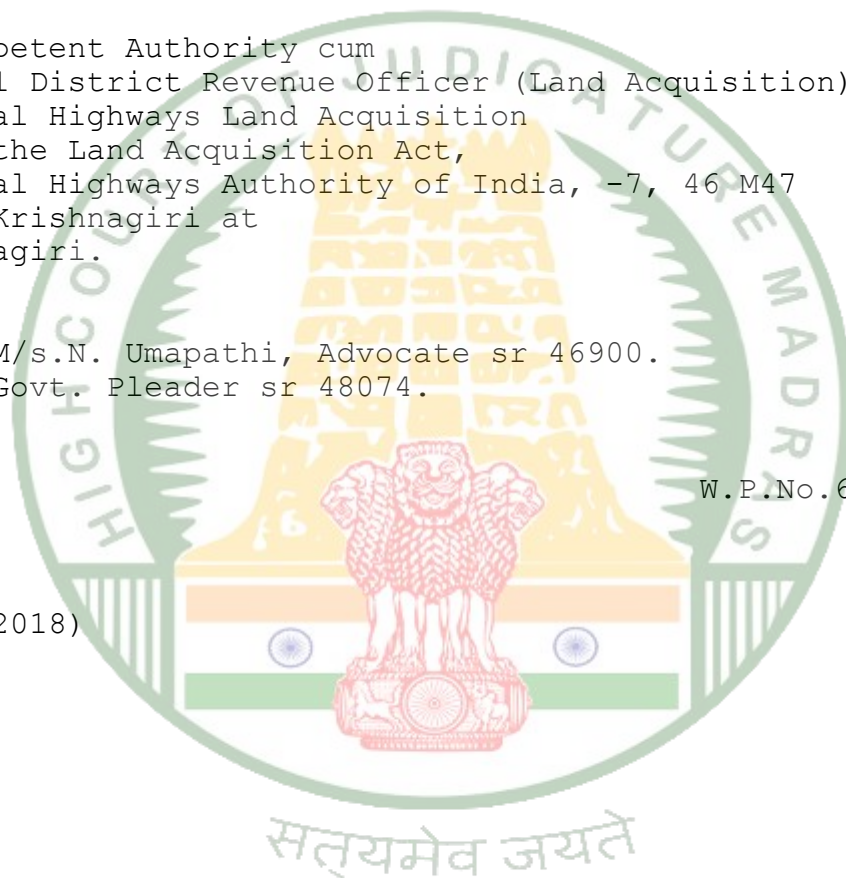
3.The Competent Authority cum
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+1 CC to M/s.N. Umapathi, Advocate sr 46900.

+1 CC to Govt. Pleader sr 48074.

W.P.No.6800 of 2010

NRI (CO)
SP (14/09/2018)



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