

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.12724 of 2018
and
W.M.P.No.14911 of 2018

S.K.Selvarajan

... Petitioner

Vs

1.The District Collector / Arbitrator,
Cuddalore District,
Cuddalore.

2.The Land Acquisition Officer NH 45-C/
District Revenue Officer,
Collectorate,Villupuram.

3.Baskar

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st and 2nd respondents to conduct proper enquiry in regarding with ownership of the land situated in R.S.Nos.271/2A1 and 271/2A2, Pinnalur Village, Bhuvanagiri Taluk, Cuddalore District for paying the compensation for acquired the petitioner's land to the petitioner.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.Akhil Akbar Ali
Government Advocate for R1 and R2

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ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record.

2.The petitioner has come up with the present writ petition seeking a direction to the respondents 1 and 2 to conduct proper enquiry regarding ownership of lands situated in R.S.Nos.271/2A1 and 271/2A2, Pinnalur Village, Bhuvanagiri Taluk, Cuddalore District.

3. The case of the petitioner is that he is the absolute owner of the lands situated in R.S.Nos.271/2A1 and 271/2A2, Pinnalur Village, Bhuvanagiri Taluk, Cuddalore District and the second respondent had acquired the land to an extent of 45 cents under the provisions of National Highways Act for widening / bypass the NH 45-C road and passed an award. While so, a rival claim was made by the third respondent through forged documents. Hence, he approached the respondents 1 and 2 to prove his ownership. Since no action was taken, the present writ petition.

4.The learned counsel for the petitioner submitted that Section 3-H (3) of National Highways Act, 1956(hereinafter, referred to as 'Act') empowers the competent authority to decide the rival claim, so a suitable direction can be issued to the competent authority to consider the grievance of the petitioner.

5. The learned Government Advocate appearing for the respondents 1 and 2 submitted that it is true that under Section 3-H (3) of the Act, gives power to the competent authority to determine the issue and if any dispute arises as to the apportionment of the award amount, reference can be made by the Civil Court under Section 3-H (4) of the National Highways Act. It is further submitted that if a proper representation is given to the competent authority, he will take appropriate action.

6. In the light of the above submissions and considering the facts of this case, the petitioner is directed to give a representation to the competent authority for disbursement of the award amount, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall pass orders on merits and in accordance with law, after providing an opportunity of personal hearing to all necessary parties, within a period of eight weeks there from. Till such time the respondents 1 and 2 shall not disburse the amount.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ms

To

1.The District Collector / Arbitrator,
Cuddalore District,
Cuddalore.

2.The Land Acquisition Officer NH 45-C/
District Revenue Officer,
Collectorate,Villupuram.

+1cc to M/S.C.Prakasam, Advocate Sr.39663

+1cc to the Government Pleader Sr.39576

W.P.No.12724 of 2018
and
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mp[co]
srg 09/07/2018

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