

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14..09..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.27041 of 2017
and

W.M.P.No.28866 of 2017

G.Periyasami

... Petitioner

-Versus-

- 1.The District Collector / Arbitrator
[National Highways],
Salem District, Salem.
- 2.The Competent Authority and
Special District Revenue Officer (LA) N.H.68,
Salem-Villupuram District @ Salem.
- 3.The Special Tahsildar (L.A.),
National Highways-68,
Attur, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to conduct an enquiry under Section 3-G(6) of The National Highways Act, 1956 on the application dated 14.11.2016 filed by the petitioner seeking enhanced compensation for the lands acquired in T.S.No.2/3A of Attur Town for widening NH-68 with due opportunity to the petitioner and pass an Award on merits and in accordance with law.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.D.Raja,
Addl. Government Pleader

ORDER

This writ petition has been filed seeking a writ of mandamus directing the 1st respondent to conduct an appropriate enquiry on the application filed by the petitioner dated 14.11.2016 as per the provision contained in Section 3-G(6) of The National Highways Act, 1956 [in short, "the Act"].

2. According to the petitioner, his father and mother were the absolute owners of the agricultural land measuring an extent of 1.24 Acres comprised in Town Survey No.2/3A [Survey No.253/3] at Mulluvadi Village (Attur Town), Attur Taluk which they acquired by way of family partition on 05.09.1996. Further, according to the petitioner, out of the said 1.24 acres of land, an extent of 636 square meter was acquired by the State for the purpose of widening Ulundurpet-Salem NH-68. Thereafter, an award has also been passed on 27.01.2010 by the 2nd respondent in his proceedings Spl.DRO.Roc.257/2009 (NH-68) thereby fixing a sum of Rs.97/- per square meter as compensation under Section 3-G(3) of the Act. Being unsatisfied with the award of compensation, the father of the petitioner filed an application for enhanced compensation which was rejected by the 3rd respondent for want of guideline value and supporting documents. While so, 14.11.2016, the petitioner on behalf of other family members filed a petition to the 1st respondent seeking enhanced compensation. The grievance of the petitioner is that his application for enhanced compensation has not been considered so far.

3. Heard both sides.

4. Considering the facts that the application of the petitioner 14.11.2016 for enhanced compensation for land acquired for the purpose of widening NH-68 is pending for a long time without any progress, the 1st respondent is directed to consider the same and pass suitable orders on merits and in accordance with law after giving opportunity of hearing to the petitioner within a period of eight weeks from the date for receipt of copy of this order. This writ petition is disposed of accordingly. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Collector / Arbitrator
[National Highways],
Salem District, Salem.

2.The Competent Authority and
Special District Revenue Officer (LA) N.H.68,
Salem-Villupuram District @ Salem.

3.The Special Tahsildar (L.A.),
National Highways-68,
Attur, Salem District.

+1cc to Mr.V.R.Rajasekaran , Advocate SR.No. 63893
+1 CC TO GOVERNMENT PLEADER SR.NO. 64132

W.P.No.27041 of 2017

ASK(04/10/2018)



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