

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.04.2018
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.27090 of 2017

R.Periyasamy

...Petitioner

Vs.

1.The District Collector-cum-Arbitrator,
Villupuram,
Villupuram district.

2.The Special District Revenue Officer(LA),
NH-68,
Competent Authority,
Under the National Highways Act,
Collectorate,
Villupuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to take up the application of the petitioner for re-determination of compensation dated 24.11.2016 and determine the compensation as per section-3(G) 5, 6 and 7 of the National Highways Act, within the stipulated time after affording an opportunity.

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

For Respondents : Mr.D.Ravi, AGP for R1
M/s.S.R.Sumathy for R2

O R D E R

Heard Mr.D.Muthukumar, learned counsel appearing for the petitioner and Mr.D.Ravi, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Ms.R.Sumathy, learned counsel for the second respondent. By consent, the writ petition is taken up for final disposal.

2. The prayer in the present writ petition is to issue a direction to the first respondent to take up the application dated 24.11.2016, of the petitioner for re-determination of compensation and determine the compensation as per Section-3(G) 5, 6 and 7 of the National Highways Act, within the stipulated time after affording an opportunity.

3. Mr.D.Muthukumar, learned counsel for the petitioner submitted that the land of the petitioner to an extent of 163 sq. Mtr., situated at Kaniyamur Village, Villupuram District was acquired in the year 2009 for the purpose of widening the National Highway no.68. The second respondent passed an award in favour of the petitioner for a sum of Rs.61,679/-. Thereafter, the petitioner made a representation dated 07.06.2011, to the first respondent seeking enhancement of compensation, which was considered and the amount of compensation was enhanced to Rs.1,23,064/-. The enhanced compensation of Rs.1,23,064/- was paid to the petitioner on 26.09.2015.

4. The learned counsel for the petitioner further submitted that the petitioner has now filed an application before the first respondent for re-determination of compensation under Section 3(G) Sub-clauses 5, 6& 7 of the National Highways Act. Since no favourable order was passed, the petitioner is constrained to file the present writ petition.

5. The learned counsel for the petitioner also submits that the petitioner would be satisfied if a direction is issued to the first respondent to consider the application of the petitioner dated 24.11.2016.

6. The learned Additional Government Pleader submitted that the Project Director, National Highways Authority is a necessary party to this writ petition however, the first respondent may be directed to consider the application of the petitioner in accordance with law.

7. In the light of the above prayer sought for in this writ petition and the submissions of the learned counsel on the either side, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's application dated 24.11.2016 and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order, after affording an opportunity to the necessary parties.

8. The writ petition is disposed of, with the above direction. No costs.

dn

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

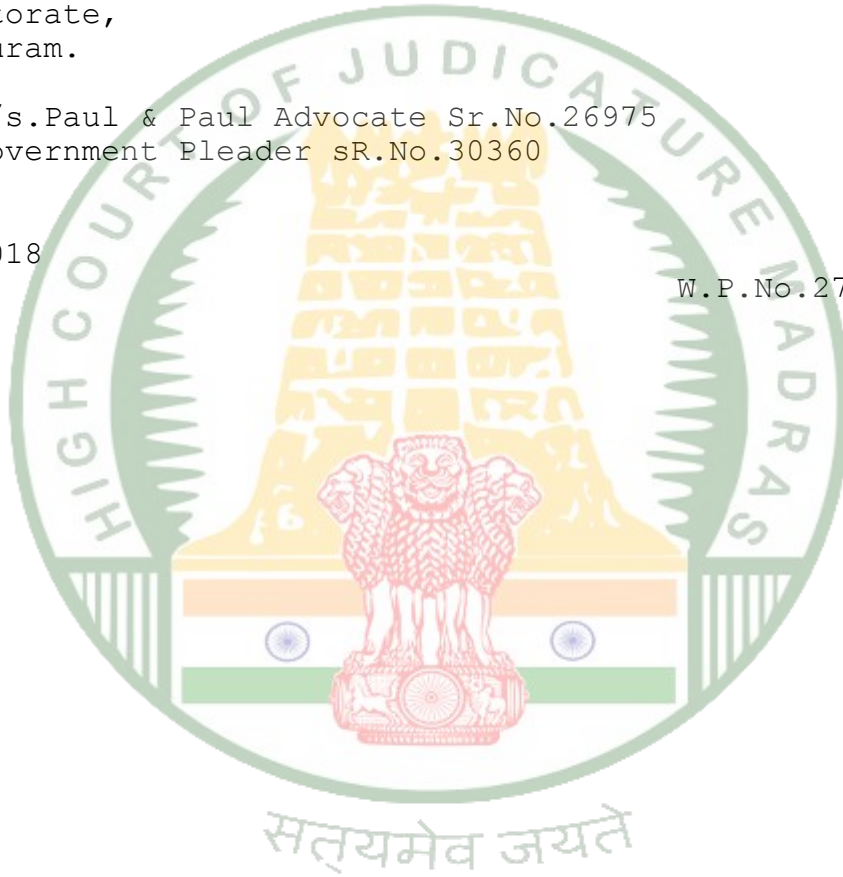
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+1cc to M/s.Paul & Paul Advocate Sr.No.26975
+1cc to Government Pleader sR.No.30360

NRI (CO)
sm:27.4.2018

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