

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.19528 of 2017
and
W.M.P.No.21095 of 2017

Sri Bhuvanambigai sametha
Sri Bhuvanatheeswarar Temple rep.
by K.N.Jayaraman, Honarary President,
Sri Bhuvanambigai Sametha Sri Bhuvanatheeswarar
Temple Restoration committee,
1/23, Udayar Street,
A.Kumaramangalam,
Kanaiyar P.O.,
Uladurpet jTaluk,
Villupuram District.

Petitioner

Vs.

1. The Secretary to Government,
Ministry of Surface Transport and Highway,
New Delhi.
2. The Regional Director,
National Highways Authority of India,
1/54/28, Butt Road,
St.Thomas Mount,
Chenna - 600 0016.
3. The Project Director,
National Highways Authority of India,
Srinagar Colony,
Navasothopetti,
Salem - 636 004.
4. The Competent Authority and Special
Divisional Revenue Office (LA),
National Highways,
No.68, II Floor,
9/11, Omalur Main Road,
Salem - 636 004.

5. The Assistant Commissioner,
Hindur Religious and Charitable Endowment
Department,
Villupuram,
Villupuram District.

.. Respondents

Writ petition filed under Article 226 of the constitution of India to issue a writ of mandamus to direct the respondents to pay Rs.85 lakhs towards costs of the construction of the temples for Lord Bhuvanatheswarar and Goddess Bhuvanambigai and the temple tank at A.Kumaramangalam Village in the National Highways (NH68) from Ulundurpet to Salem and award costs.

For Petitioner: Mr.S.Ayyathurai

For Respondents: Mr.T.V.Krishnamachari,
Senior Panel Counsel for R1
Ms.S.R.Sumathy, for R2, R3 and R4
Mr.M.Maharaja,
Special Government Pleader
HR & CE for R5.

O R D E R

This writ petition is filed seeking for a mandamus directing the respondent to pay Rs.85 lakhs towards cost of the construction of the Temple for Lord Bhuvanatheswarar and Goddess Bhuvanambigai and the temple tank at A.Kumaramangalam Village in the National Highways (NH68) from Ulundurpet to Salem.

2. Heard both sides

3. It is seen that part of the land where the petitioner temple is situated has been acquired under National Highways Act for widening the road. It is also seen from the counter affidavit filed by the 3rd respondent that such acquisition proceedings initiated in the year 2009 ended in passing orders of payment of compensation in Roc.No.275/2009 dated 19.02.2010 and 09.08.2010. If the petitioner is aggrieved against such payment of compensation, they have to resort to the remedy available under the National Highways Act, 1996, more particularly, under Section 3G(4) which reads as follows:

3G. Determination of amount payable as compensation-

(1)...

...

(4) Such notice shall state the particulars of the land and shall require

all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

4. Therefore, it is for the petitioner to work out such remedy by making appropriate application to the 2nd respondent. If any such application is filed, the same shall be considered by the 2nd respondent and the matter shall be referred to the Arbitration without reference to the period of limitation, if any. By granting such liberty, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

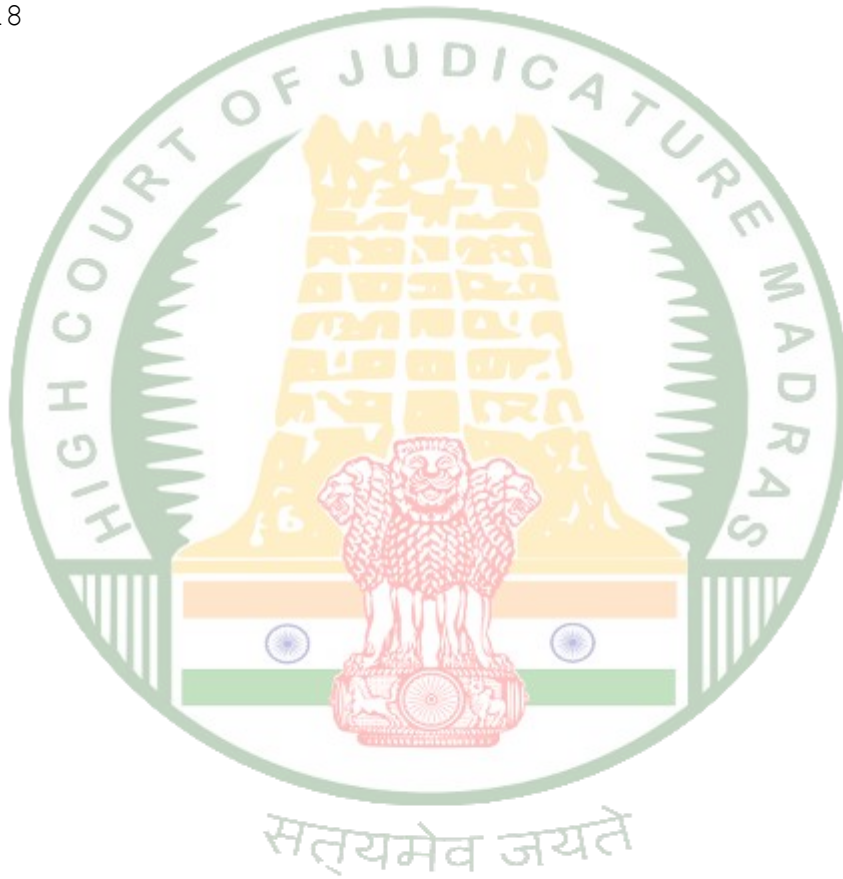
1. The Secretary to Government,
Ministry of Surface Transport and Highway,
New Delhi.
2. The Regional Director,
National Highways Authority of India,
1/54/28, Butt Road,
St. Thomas Mount,
Chenna - 600 0016. सत्यमेव जयते
3. The Project Director,
National Highways Authority of India,
Srinagar Colony,
Navasothopetti,
Salem - 636 004.
4. The Competent Authority and Special
Divisional Revenue Office (LA),
National Highways, No.68, II Floor,
9/11, Omalur Main Road,
Salem - 636 004.

5. The Assistant Commissioner,
Hindur Religious and Charitable Endowment
Department, Villupuram,
Villupuram District.

+1cc to Mr.T.V.Krishnamachari, Advocate, S.R.No.14878
+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.14948
+1cc to Ms.S.R.Sumathy, Advocate, S.R.No.15001
+1cc to the Government Pleader, S.R.No.15478

W.P.No.19528 of 2017

CS/02/03/18



WEB COPY