

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.15136 of 2018
and WMP.No.17949 of 2018

N.Manikandan

..Petitioner

Vs

1. The Special District Revenue Officer(LAO),
Tamil Nadu Road Sector Project -II,
Salem District.

2. The Divisional Engineer (HW),
Tamil Nadu Road Sector Project -II,
Salem.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to fix market value to the petitioner's land in acquisition situated in Minampalli Village, Thiruchengode Taluk, Namakkal District, comprised in Survey No.15/2B3A, Present S.No.15/6, for a sum of Rs.1,620/- per sq.mtr. which was fixed to its adjacent land situated in Survey No.15/2B3B stands in the name of Sivakami Wife of Rajendran instead of Rs.296/- per sq. mtr. based on the representation of the petitioner dated 15.01.2018 by passing Final Award by following the Principles laid down in Sec.26 and Sec.30 as well as First Schedule and Second Schedule under Right to Fair Compensation and Transparency in land Acquisition and Rehabilitation Act 2013.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner has come up with this writ petition for issuance of a writ of Mandamus to direct the respondents to fix market value to the petitioner's land, based on his representation dated 15.01.2018.

3. The case of the petitioner is that his land in Minampalli Village, Thiruchengodu Taluk, was acquired by the respondents for upgrading Rasipuram - Thiruchengode (SH-79-2) road from Ponkuruchi to Ilauampalayam Town under the Tamil Nadu Highways Act.

4. The petitioner would further state that the first respondent has passed an interim award on 10.02.2017. The grievance of the petitioner is that the first respondent has fixed compensation at the rate of Rs.296/- per sq.m., whereas Rs.1,620/- was fixed in respect of the neighbouring land. Hence, the representation was made by the petitioner to the respondents. Since there is no favourable order, the present writ petition has been filed.

5. The learned Counsel for the petitioner submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioner.

6. The learned Government Advocate submitted that the representation would be considered by the first respondent in accordance with law.

7. In the light of the limited scope of the prayer sought in this writ petition and the submissions made by the learned Counsels on either side, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 15.01.2018 on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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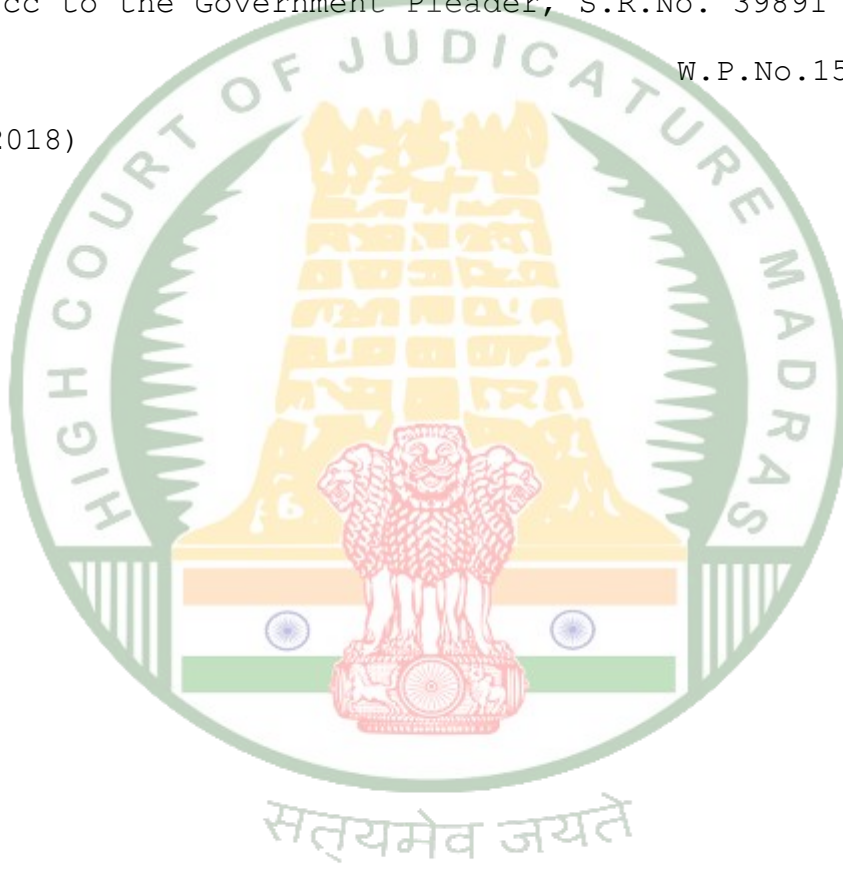
To

1. The Special District Revenue Officer(LAO),
Tamil Nadu Road Sector Project -II,
Salem District.
2. The Divisional Engineer (HW),
Tamil Nadu Road Sector Project -II,
Salem.

+lcc to Mr.S.SENTHIL, Advocate, S.R.No.40481
+lcc to the Government Pleader, S.R.No. 39891

W.P.No.15136 of 2018

TR(04/07/2018)



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