

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.17114 of 2018

J.Thamotharan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 18.06.2018 within a stipulated time.

For Petitioner : Mr.C.Prakasam

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

O R D E R

Mr.D.Raja, learned Additional Government Pleader takes notice for the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing.

2. The petitioner has come forward with this writ petition seeking direction to the first respondent to consider the written representation of the petitioner dated 18.06.2018.

3. The case of the petitioner is that his land was acquired by the respondents by invoking the Provisions of the National Highways Act for widening NH 45-C, in the year 2015. The award came to be passed on 05.01.2018 at the rate of Rs.727.05 per sq.mt.

4. The grievance of the petitioner is that market value of the property was Rs.5,000/- per sq.mt. and the provisions of Sections 26 to 30 of the Act 30 of 2013, were not properly applied. The representation of the petitioner, seeking reference under Section 64 of the Act was also not considered.

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

6. The learned Additional Government Pleader submitted that since the award has been passed under the National Highways Act, the competent Authority to consider the grievance of the petitioner is the first respondent and he is ready to consider the representation of the petitioner.

7. In the light of the above submissions of the learned counsels and also considering the nature of prayer sought for in the writ petition, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner and pass orders purely on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order after affording opportunity to all necessary parties.

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

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

pvs

To

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

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

+1 CC to Mr.C. Prakasam, Advocate sr 45582.

+1 CC to Govt. Pleader sr 45782.

W.P.No.17114 of 2018

SP(26/07/2018)