

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.19014 of 2018

B.Abdulkathim @ Pandiyan

...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: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 10.07.2018 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Akhil Akbar Ali, G.A.

ORDER

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

2. This writ petition has been filed for issuance of a writ of mandamus to direct the 1st respondent to consider and pass orders on the written representation of the petitioner, dated 10.07.2018 within a stipulated time.

3. The case of the petitioner is that his land was acquired by the respondent by invoking provisions of the National Highways Act, in the year 2015 for widening NH 45-C. The further case of the petitioner is that the second respondent ought to have passed the award for the land and building, but the second respondent has passed interim award in respect of the land at the rate of Rs.809.20/- per sq.mt. and whereas the guideline

value of the property was Rs.5,000/- per sq.mt. on the date of award.

4. Mr.C.Prakasam, learned counsel for the petitioner submitted that the petitioner sent representation to the respondents to re-determine the compensation under the new Act 30 of 2013. Since it was not considered, the present writ petition.

5. It is further submitted that the petitioner would be satisfied, if a direction is given to the first respondent to consider the representation of the petitioner.

6. It is the submission of the learned Government Advocate that the first respondent is ready to pass order on the representation of the petitioner 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 counsel on either side, this Court, without going into the merits of case, directs the first respondent to consider the written representation of the petitioner and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the parties, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-IX)

//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.

+1cc to Mr.C.PRAKASAM, Advocate, S.R.No. 51025

+1cc to the Government Pleader, S.R.No. 51344

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SPD(CO)

TR(14/08/2018)