

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.41296 of 2016

K.Sundaramoorthy

...Petitioner

Versus

1.The Competent Authority and
Special District Revenue Officer,
Land Acquisition,
National Highways,
Old NH-68, New NH-79,
Salem.

2.The Special Thasildar,
(Land Acquisition),
National Highways,
Old NH-68, New NH-79,
Athur, Salem District.

3.The Project Director,
Project Implementation Unit,
Door No.259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri - 635 001.

... Respondents

(R3-Suo motu impleaded as per order
of this Court dated 06.02.2018)

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired to an extent of 11645.5 sq.ft in old survey No.425/5C and T.S.No.53 of Ammapet Village, Attur Taluk, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 now NH-79 in the State of Tamil Nadu.

For Petitioner : Mr.G.Purushothaman

For Respondents : Mr.Akhil Akbar Ali
Government Advocate for R1 & R2
Mr.Richardson Wilson for R3

O R D E R

Heard Mr.G.Purushothaman, learned counsel for the petitioner, Mr.Akhil Akbar Ali, learned Government Advocate for the respondents 1 and 2 and Mr.Richardson Wilson, learned counsel for the third respondent and perused the materials on record.

2. The case of the petitioner is that he is the owner of the land in Old S.No.425/5C and T.S.No.53 measuring an extent of 11645.5 sq.ft in Ammapet Village, Attur Taluk, Salem District and the land was acquired for up-gradation and widening the existing Two Lane to Four Lane from Salem to Ulundurpet.

3. The grievance of the petitioner is that the respondents without initiating acquisition proceedings had taken the possession of the property and the representation of the petitioner dated 18.02.2015, requesting to pay compensation was not considered.

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

5. The learned Government Advocate for the respondents 1 and 2 submitted that the first respondent is ready to consider the representation of the petitioner in accordance with law.

6. In the light of the above facts and the submissions made by the learned counsel 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 18.02.2015 and take appropriate action on merits and in accordance with law, after affording an opportunity to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Competent Authority and
Special District Revenue Officer,
Land Acquisition,
National Highways,
Old NH-68, New NH-79,
Salem.

2.The Special Thasildar,
(Land Acquisition),
National Highways,
Old NH-68, New NH-79,
Athur, Salem District.

+1cc to Mr.P.Wilson Associates, Advocate Sr.42827
+1cc to Mr.G.Purushothaman, Advocate sr.42644
+1cc to the Government Pleader Sr.44617

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