

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 23.10.2018

CORAM
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.26988 of 2018

R.Abitha Begum

... Petitioner

-Versus-

- 1.National Highways Authority of India,
Rep. by its Chairman,
G.5 & 6, Sector - 10, Dwaraka,
New Delhi 110075.
- 2.The Regional Officer,
Chennai National Highways Authority of India,
SRI Tower, Guindy,
Chennai 600032.
- 3.The District Collector,
Cuddalore, Cuddalore District.
- 4.The Special Tahsildar (LA),
Land Acquisition National Highways Unit-I,
Panruti Taluk,
Cuddalore District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to consider the representation of the representation dated 23.04.2018 and to pass appropriate orders thereof for payment of additional compensation by the 4th respondent to the petitioner as per market value under section 23 (1) (a) of the said Act, solatium under section 23(2) and interest under section 28 of the Land Acquisition Act 1894 of and other monetary benefits from the date of Acquisition of the property premises situated at Old No.1/15 New No.1/19 Chennai - Thanjavur High Road, Kandarakottai Post, Panruti Taluk, Cuddalore District.

For Petitioner

: Mr.V.Raghupathi

For Respondents

: Mr.Su.Srinivasan,
Standing Counsel for
R1 and R2

Mr.D.Raja, Addl. Govt.
Pleader for R3 and R4

ORDER

This writ petition has been filed seeking a direction to the 3rd respondent in the form of writ of mandamus for considering the representation dated 23.04.2018 submitted by the petitioner for payment of additional compensation as per market value under section 23 (1) (a) of the said Act, solatium under section 23(2) and interest under section 28 of the Land Acquisition Act 1894 of and other monetary benefits from the date of Acquisition of the property situated at Old No.1/15 New No.1/19 Chennai - Thanjavur High Road, Kandarakottai Post, Panruti Taluk, Cuddalore District.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner's land was acquired for a public purpose under the provisions of the National Highways Act and an award has also been passed thereby granting compensation to the petitioner. But, according to the learned counsel, while passing the award, the authorities did not grant additional market value @ 12% , solatium @ 30% and interest at 15% p.a. in view of the provision in Section 3-J of the Act which was already struck down by this court. In the said circumstances, the petitioner is entitled to the benefit of additional market value, solatium and interest @ 15% p.a. as per provision of Section 28 of the Land Acquisition Act, 1894. But, the representation made by the petitioner in this regard has not been considered by the authorities. Therefore, the learned counsel for the petitioner prayed this court to issue appropriate direction the respondents more particularly to the 3rd respondent.

4. Considering the limited relief sought for in the writ petition, this court, without going into the merits of the case, directs the 3rd respondent to consider the representation of the petitioner dated 23.04.2018 for additional market value, solatium and interest as per the provisions of the Land Acquisition Act, 1894 and pass suitable orders on merits and in accordance with law after giving an opportunity of person hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

5. In the result, This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.National Highways Authority of India,
Rep. by its Chairman,
G.5 & 6, Sector - 10, Dwaraka,
New Delhi 110075.

2.The Regional Officer,
Chennai National Highways Authority of India,
SRI Tower, Guindy,
Chennai 600032.

3.The District Collector,
Cuddalore, Cuddalore District.

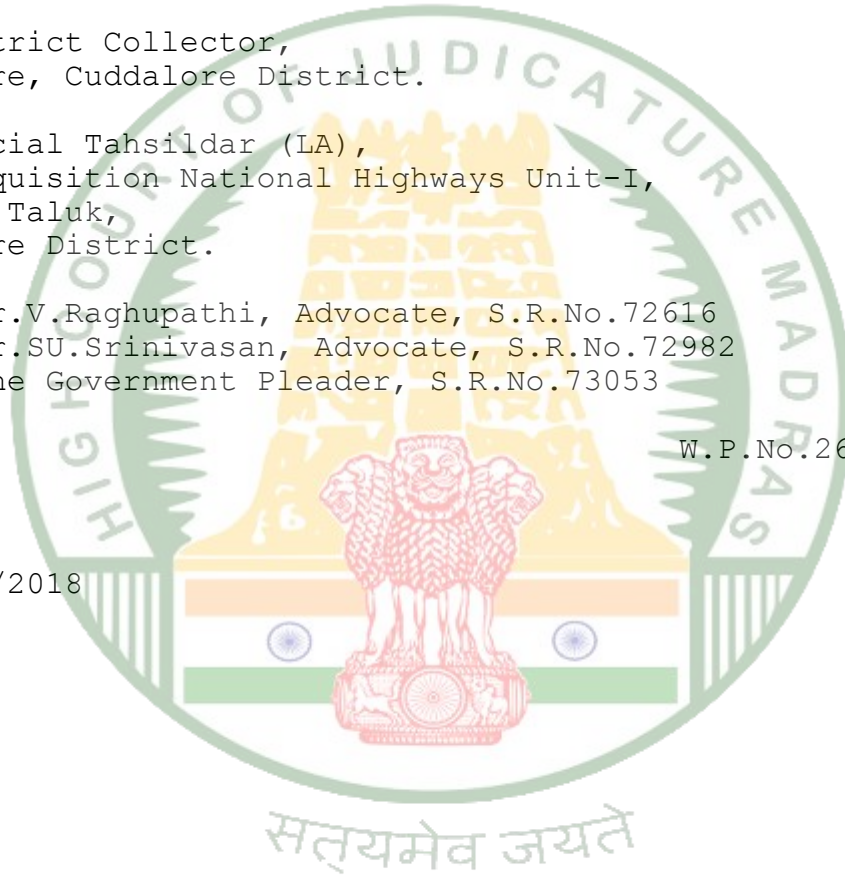
4.The Special Tahsildar (LA),
Land Acquisition National Highways Unit-I,
Panruti Taluk,
Cuddalore District.

+lcc to Mr.V.Raghupathi, Advocate, S.R.No.72616
+lcc to Mr.SU.Srinivasan, Advocate, S.R.No.72982
+lcc to the Government Pleader, S.R.No.73053

W.P.No.26988of 2018

SR(CO)

rrs 11/12/2018



WEB COPY