



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.09.2018
CORAM
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P(MD) .No.10043 of 2018
and
W.M.P. (MD) Nos.9170 & 9171 of 2018

- 1) P.Balasubramanian
- 2) G.Mohan
- 3) G.Ramesh
- 4) G.Rajendran
- 5) B.Aravind
- 6) E.Chinnathai
- 7) K.Rathinam
- 8) K.Karupana Gounder
- 9) J.Malliga
- 10) N.Arumugam
- 11) N.Manivel
- 12) S.Ramasamy
- 13) R.Ganasekaran
- 14) S.Verappa Gounder

... Petitioners

-Versus-

- 1) The Government of India,
Rep., by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan, No.1, Parliamentary Street,
New Delhi - 110 001.
- 2) The National Highways Authority of India,
Rep., by its Chairman,
G-5 & G-6, Sector 10, Dwarka,
New Delhi- 110 075.
- 3) The Government of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Highways and Minor Port,
Secretariat, Chennai 600 009
- 4) The District Collector,
Dindigul,
Dindigul District.
- 5) The Competent Authority and
Special District Revenue Officer,
(Land Acquisition - National Highways),
D.No.567, APJ Abdulkalam Street,
Chennamanaickanpatti,
Dindigul.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from in any manner proceeding with the land acquisition proceedings issued under Section 3(A) Gazette Notification has been published on behalf of the Government of India vide S.O.No.1195(E) dated 17.03.2018 for acquisition of lands including land in Palakanuthu Village for widening of N.H.209, published in Local news Papers namely, "The Daily Thanthi(Tamil)" dated 22.03.2018, without determination of market value of the lands as contemplated under Section 26 and 27 of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement ACT, 2013 and without payment of appropriate and suitable compensation to their lands.

For Petitioners	:	Mr.A.L.Kannan
For R1	:	Mr.S.Jeyasingh
For R2	:	Mr.C.Arul Vadivel @ Sekar
For RR 3 to 5	:	Mr.R.Murugan
		Addl., Government Pleader

ORDER

This writ petition has been filed for a Writ of Mandamus to fix the compensation for the petitioners as prayed for in the impugned proceedings of the Government of India vide S.O.No.1195(E) dated 17.03.2018 for acquisition of lands including land in Palakanuthu Village for widening of N.H.209.

2. The grievance of the petitioner is that instead of following the procedure as contemplated under Section 26 and 27 of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement ACT, 2013, the respondents are trying to fix the compensation for the lands of the petitioners as per decision of the Highways Committee.

3. The respondents 1 and 2 at paragraph 6 of their counter affidavit deny the above allegation stating that there is no provision under either National Highways Act, 1956 or Right to Fair Compensation Transparency in land Acquisition Rehabilitation and Resettlement Act, 2013 to fix the compensation as per the decision of Highways Committee.

4. Recording the said averment in the counter affidavit, this Writ Petition is closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

- 1) The Secretary,
Government of India,
Ministry of Road Transport and Highways,
Transport Bhavan, No.1, Parliamentary Street,
New Delhi - 110 001.
- 2) The Chairman,
National Highways Authority of India,
G-5 & G-6, Sector 10, Dwarka,
New Delhi- 110 075.
- 3) The Principal Secretary to Government of Tamil Nadu,
Department of Highways and Minor Port,
Secretariat, Chennai 600 009
- 4) The District Collector,
Dindigul, Dindigul District.
- 5) The Competent Authority and
Special District Revenue Officer,
(Land Acquisition - National Highways),
D.No.567, APJ Abdulkalam Street,
Chennamanaickanpatti,
Dindigul.

+1CC to Mr.C.Arul Vadivel @ Sekar, Advocate, SR.No.87665

+1CC to Mr.S.Jeyasingh, Advocate, SR.No.88362

+1CC to the Special Government Pleader SR.No.87937

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STS

ES/PM/SAR 2/22.11.2018/3P/9C