



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2018

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.10713 of 2018

Rose Mary

:Petitioner

Vs.

1.

1. The District Collector,
Kanyakumari District,
at Nagercoil.

2. The Deputy General Manager (Tech) Cum
Project Director,
Project Implementation Unit,
No.314E, K.P. Road,
Near Ayyappan Kovil,
Parvathipuram,
Nagercoil,
Kanyakumari District-629 002.

3. The Special District Revenue Officer,
Land Acquisition - National Highways,
Nagercoil,
Kanyakumari District.

4. The Special Tahsildar,
Land Acquisition - National Highways,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District-629 163.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.04.2018 and consequently direct the respondents to fix the fair compensation to the petitioner above said acquired property for the extent of 1851.3 sq.ft in Old Sy.No.3291 corresponding R.Sy.No.78/22 and house therein situated at Nalloor Special Village, Nelveli Desom, Nattalam Village, Vilavancode Taluk, Palliyadi Sub-District, Kanyakumari District and to pay remaining furthermore compensation within the time stipulated by this Court.



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For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mrs.J.Padmavathi Devi

Special Govt. Pleader for R-1

Mr.C.Arul Vadivel @ Sekar for R-2

Mrs.VPM.Vaishnavi

Govt. Advocate for RR-3 & 4

O R D E R

The writ petitioner is seeking a direction to the respondents for fixing fair compensation of the property acquired by the respondents. She made a representation to that effect on 05.04.2018.

2. Heard both sides.

3.Taking notice on behalf of the second respondent, Mr.Arul Vadivel @ Sekar, learned counsel, filed counter affidavit in the above writ petition.

4.According to the learned counsel appearing for the second respondent, the land was acquired and the award was passed on 23.08.2017. The petitioner has received the compensation of Rs.16,16,529/- on 16.02.2018. If at all she is aggrieved, she should raise an arbitration as per Section 3-G (5) of the National Highways Act, 1956 (hereinafter referred to as 'Act'). The representation cannot be entertained, when there is a specific procedure mandated under the Act for enhancement of compensation.

4.The learned counsel appearing for the petitioner would submit that as of today, the award copy is not furnished to him. As per the procedures, the petitioner has to apply for the award copy and thereafter, she has to raise an arbitration under Section 3-G (5) of the Act.

5.In such circumstances, the writ petition cannot be entertained and hence, the same is dismissed. However, the petitioner is given liberty to apply for the copy of the award of the acquisition proceedings and proceed further, as per Section 3-G (5) of the Act, within a period of 15 days from the date of receipt of a copy of this order and take further action. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/



To

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Kanyakumari District,
at Nagercoil.

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+ 1 cc TO Mr.C.Arul Vadivel @ Sekar , Advocate in SR No. 67199
+ 1 cc TO Mr.M.R.Sreenivasan , Advocate in SR No. 67197

vs

AE/SB/SAR3/18.06.2018/3P/7C

ORDER MADE IN
W.P. (MD) No.10713 of 2018
07.06.2018