



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.12966 of 2018

A.Sundaraj

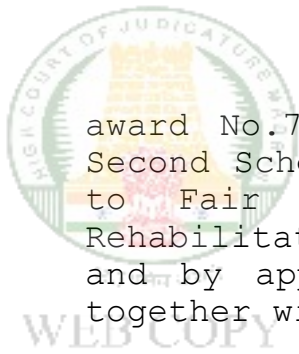
.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
3. The Project Director cum DGM (Tech)
No.314E, K.P. Road, Highways Department,
Near Ayappan Kovil,
Parvathipuram,
Nagercoil - 629 003,
Kanyakumari District.
4. The Union of India,
rep. by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi.
5. The Special Tahsildar (LANH Unit III),
Villvancode, Thiruthuvapuram,
Kanyakumari District.
6. The Tahsildar,
Kalkulam Taluk,
Thacklay,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to pass orders on the appeal dated 07.11.2017 for refixation of compensation awarded, in the modified



award No.7/2014, dated 15.06.2017, as per the entitlement in the Second Schedule, R/W (Sections 31(1), 38(1) and 105(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and by applying multiplier two and pay the revised compensation together with interest and other benefits to the petitioner.

For Petitioner : Mr.G.Justin
For Respondents : Mr.A.Thiyagarajan,
1,2,5 & 6 Government Advocate

ORDER

This writ petition has been filed by the petitioner for a Mandamus, to direct the first respondent to dispose of the appeal dated 07.11.2017 filed by the petitioner for refixation of compensation amount.

2.The case of the petitioner is that the petitioner's land in Survey No.101/12B was acquired by the second respondent for laying National Highways road and after due enquiry, the second respondent has passed the award, dated 27.10.2014, in Award No.7 of 2014 and subsequently, the second respondent has modified the award by proceeding in ROC.No.J3/05/2010 dated 15.06.2017. According to the petitioner, the compensation has been awarded only based on the guideline value and not according to the market value and the compensation amount paid in respect of the land as well as the superstructure and trees have to be reconsidered by the first respondent as per Section 105(3) of the Act 30 of 2013 and the difference amount of compensation amount has to be paid with interest. Hence, the petitioner has filed an appeal before the first respondent on 07.11.2017. As the same is pending without passing any orders, he has filed this writ petition for the aforesaid prayer.

3. Heard the learned counsel for the appearing for both sides.

4. In view of the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to dispose of the appeal filed by the petitioner dated 07.11.2017, within a period of six weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/



To

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Kanyakumari District,
Nagercoil.
2. The Competent Authority &
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Kanyakumari District.

+ 1 CC TO Mr.G.JUSTIN, ADVOCATE IN SR No. 80188
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80629

GCG

TE/RSK/SAR-1 : 12/09/2018 : 3P/9C

Order made in
W.P (MD) No.12966 of 2018
27.08.2018