



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26/09/2018

CORAM:
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.18605 of 2018
and
W.M.P. (MD) .No.16472 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)
(Highways Department)
No.314E, K.P Road,
Near Ayappan Koil,
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,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pass orders on the Appeal dated 02/05/2018 for re-fixation of compensation awarded, in the modified award. No.5/2015 dated 24/01/2018 in proceedings No.5/2015-22.ROC J3 /13 /2010, 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 four and pay the revised compensation together with interest and other benefits to the petitioner.

For Petitioner
For Respondents

: Mr.G.Justin
: Mr.R.Murugan
Additional Govt. Pleader
for RR-1, 2, 5 & 6
Mr.Su.Srinivasan for R-3
Mr.I.Sekar for R-4

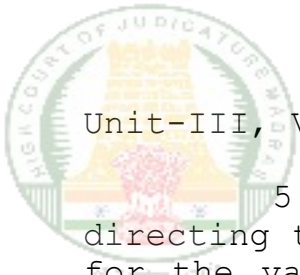
ORDER

The case of the petitioner is that in Valvachagostam Village, Kalkulam Taluk, Kanyakumari District, in re-Survey No.830/5, an extent of 2390 sq.metres of land was subjected to acquisition proceedings and the petitioner has not challenged the acquisition proceedings and he is before this Court, challenging the withhold of compensation for the value of trees and structure, for want of estimate.

2.Today, the petitioner filed the additional typed set of papers. According to the petitioner, value of the structure and value of 110 rubber trees has been withheld for want of estimate and compensation for the structure and 110 rubber trees are not received by him till date. According to the petitioner, he has received the compensation amount only in respect of the land.

3.On 31.08.2018, the petitioner, under the Right to Information Act, has enquired the General Information Officer/Deputy Director of Horticulture Department, Nagercoil, Kanyakumari District, whether the value of rubber trees belonged to Mr.A.Sundarraaj (petitioner herein) has been fixed or not? For that, the authority has replied that for each rubber tree, Rs.15,000/- has been fixed and for 110 rubber trees, a sum of Rs.16.50 lakhs has been fixed as estimate for the purpose of compensation. But till date, according to the petitioner, compensation for the structure as well as trees were not paid to him, in spite of the fixation of the value of the trees. Therefore, the petitioner has given a representation/appeal to the first respondent on 02.05.2018 and prayed for a direction to the first respondent to consider his appeal/representation, for re-fixation of the compensation for the value of the rubber trees and structure, within a time frame.

4.Considering the limited scope of the prayer made in the writ petition, I am of the view that interest of Justice will be subserved, if a direction is given to the first respondent to consider the appeal/representation of the petitioner, dated 02.05.2018, since the value of the rubber trees has already been fixed by the Deputy Director of Horticulture, Nagercoil, by way of a proceedings in Letter No.E 4/2900 (1)/2017, dated 15.02.2018, sent to the Special Tahsildar/Land Acquisition, National Highways 47,



Unit-III, Villavancode.

5. Accordingly, this writ petition is disposed of by directing the fifth respondent to pay the compensation amount fixed for the value of rubber trees and value of the structure within a period of two weeks from the date of receipt of a copy of this order. As far as the prayer made in the writ petition in respect of the appeal is concerned, the first respondent shall consider the appeal/representation of the petitioner, dated 02.05.2018 and pass appropriate orders in respect of enhancement of compensation within a period of 12 weeks from the date of receipt of a copy of this order, by affording an opportunity of hearing to the petitioner, on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-II)

VS
To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways
Tirunelveli @ Nagercoil,
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Kanyakumari District.

6.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

+1cc to Mr.G.Justin, Advocate in SR No.86874

+1cc to Mr.SU.Srinivasan, Advocate in SR No.86892

+1cc to Spl Government Pleader, SR No.87576

W.P. (MD) No.18605 of 2018

NM/SV/SAR 3/11.10.18/4P/10C