



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.12.2018
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.21366 of 2018

WEB COPY

D.David

... Petitioner

Vs.

1. The District Collector,
Dindigul, Dindigul District.
2. The District Revenue Officer CA(LA),
Dindigul, Dindigul District.
3. The Special Tahsildar(Land Acquisition),
National Highway No.45 Extension,
Dindigul, Dindigul District.
4. The Project Director & DGM(T),
National Highways Authority of India,
National Highway No.45 extension,
Door No.6, First Floor,
3rd Main Road, Ponnagar,
Trichy, Trichy District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay compensation to the value of bore-well situated at acquired property in Survey No.91/2C1, Thamaraipadi Village, Dindigul East Taluk, Dindigul District, on the basis of the letter sent by the third respondent vide Na.Ka.No.460/08/A4/N.H.45 dated 14.11.2017.

For Petitioner : Mr.S.Mahalingam
For R-1 to R-3 : Mr.M.Rajarajan,
Government Advocate.
For R-4 : Mr.C.Arul Vadivel @ Sekar

ORDER

The petitioner's lands were acquired under THE NATIONAL HIGHWAYS ACT, 1956 and compensation was also paid. These petitions date back to the year 2009. But then, when determining the compensation, the authority failed to take into account the bore-well installed in Survey No.91/2C1, Thamaraipadi Village. The petitioner wrote to the authorities in this regard. Thereupon the matter was taken up and there was a regular exchange of correspondence among the authorities.



2. The learned counsel appearing for the petitioner drew my attention to the memorandum dated 14.11.2017 issued by the Special Tahsildar. It appears therefrom that the existence of the bore-well in the acquired land is not in dispute and that it was omitted to be included in the award.

3. Therefore, the second respondent is directed to pass a supplementary award within a period of six weeks from the date of receipt of a copy of this order.

4. The Writ petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
Dindigul, Dindigul District.
2. The District Revenue Officer CA(LA),
Dindigul, Dindigul District.
3. The Special Tahsildar(Land Acquisition),
National Highway No.45 Extension,
Dindigul, Dindigul District.

+1CC to Mr.S.Mahalingam, Advocate, SR.No.99195

+1CC to Mr.C.Arul Vadivel @ Sekar, Advocate, SR.No.99020

+1CC to the Special Government Pleader SR.No.99261

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