



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26/09/2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.18529 of 2018

WEB COPY

Mr.C.Nesaiyan

: 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 directing the 1st respondent to pass orders on the appeal dated 05.10.2017 for re-fixation of compensation awarded in the modification award No.3/2015 dated 24.11.2016, 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

: Mr.G.Justin

For Respondent No.3

: Mr.SU.Srinivasan

ORDER

This writ petition has been filed for directing the 1st respondent to pass orders on the appeal dated 05.10.2017 for re-fixation of compensation awarded in the modification award No.3/2015 dated 24.11.2016.

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2.The petitioner would contend that the petitioner's land was acquired for the National Highways No.47 between Kerala and Tamil Nadu border, as per the provisions of the National Highways Act, 1956 and the same was notified in the official gazette of India, dated 25.02.2011. After completing all the formalities and after due enquiry, an award, dated 14.08.2015, was passed in Award No.3/2015, wherein, the compensation payable was determined by the second respondent. For the acquisition of land measuring an extent of 580 sq.mtr in Sy.No.105/1, the second respondent has fixed compensation amount of Rs.23,82,239/-. In respect of the land measuring an extent of 400 sq.mtr in Sy.No.105/8A-1, the second respondent has fixed compensation amount of Rs.12,51,117.56/-.

3.According to the petitioner, compensation awarded is very low and therefore, according to him, there is discrimination in payment of the compensation, while comparing to the other persons, who got the compensation. Therefore, he made an appeal to the first respondent on 05.10.2017, enclosing the relevant documents regarding payment of compensation in Kerala and other documents. But the first respondent failed to consider the same. In spite of the reminders dated 22.01.2018 and 13.06.2018, his appeal has not been considered. Therefore, he prays for a direction to the first respondent to positively consider the representation as an appeal and pass orders within a time frame.

4.Considering the limited scope of the prayer made in the writ petition, the first respondent is directed to treat the representation of the petitioner as an appeal and pass orders on merits and in accordance with law, by giving an opportunity of hearing to the petitioner, by considering all the documents filed by the petitioner, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-IV)



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Kanyakumari District,
Nagercoil.

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6.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

+1cc to Mr.G.Justin, Advocate in SR No.86873
+1cc to Mr.P.Paul Pandi, Advocate in SR No.87061
+1cc to Mr.Su.Srinivasan, Advocate in SR No.86891

W.P. (MD) No.18529 of 2018

NM/RSK/SAR IV/12.10.18/3P/10C