



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
W.P. (MD) No.18663 of 2018

and

W.M.P. (MD) Nos.18039 and 18040 of 2018

Sankarapandian

...Petitioner

Vs.

1) The Project Director,
Commissionerate of Indian
National Highway,
Plot No.1, Iswaryam heads,
Indira Nagar, Chinakanayakanpatti Post,
Thaadikombu Road,
Dindigul 625 004

2) The District Revenue Officer cum
Authorised Officer,
Under the Land Acquisition for National Highways,
NH-45 and 220 Extension,
Theni,
Theni District.

3) The Special Tahsildar (Land Acquisition),
NH-45E and 220,
Unit -2,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the grievance of petitioner for reconveyance of the residential property of the petitioner in Door No.3 Survey No.4 Ward No.21 lower camp, Gudalur Uthamapalayam Taluk, Theni District by providing the opportunity of personal hearing.

For Petitioner : Mr.C.M.Arumugam
For R1 : Mr.C.Arul Vadivel @ Sekar

For RR 2 & 3 : Mr.Rajarajan

O R D E R

The prayer sought for in this Writ Petition is for seeking to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the grievance of the petitioner for reconveyance of the residential property in Door No.3 , Survey No.4, Ward No.21, Lower



Camp, Gudalur, Uthamapalaym Taluk, Theni District by providing the opportunity of personal hearing.

2. Heard Mr.C.M.Arumugam, learned counsel appearing for the petitioner and Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the first respondent and Mr.Rajarajan, learned counsel appearing for the second respondent.

3. The petitioner's grievance is that his lands were acquired for widening of National Highways but full compensation was not paid to him. Therefore, the present writ petition has been filed.

4. I am of the view that since there is dispute regarding the facts, the Authorities must have passed a speaking order so that it can be tested by the Court later. The petitioner has already given his representation on 19.06.2018 in this regard and the first respondent has received the same. Therefore, the first respondent is directed to pass orders on merits and in accordance with law after hearing the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. The petitioner's apprehension is that since counter affidavit has been filed denying his entitlement by the respondents, the Authority would pass an order as a matter of empty formality. Therefore, the first respondent is mandated to consider the petitioner's application for payment of more compensation independently and uninfluenced by the stand already taken in the counter affidavit filed in this regard.

6. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

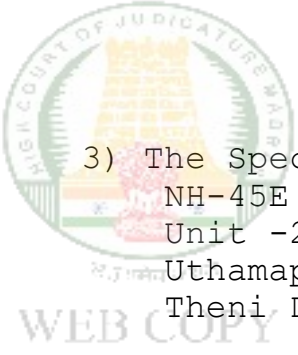
Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS-I)

To

- 1) The Project Director,
Commissionerate of Indian
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Plot No.1, Iswaryam heads,
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3) The Special Tahsildar (Land Acquisition),
NH-45E and 220,
Unit -2,
Uthamapalayam,
Theni District.

+1cc to Mr.C.M.ARUMUGAM, Advocate, SR.No.95057
+1cc to Mr.C.ARUL VADIVEL @ SEKAR, Advocate, SR.No.94825
+1cc to M/s.Special Government Pleader,SR.No. 94989

Order in
W.P. (MD) No.18663 of 2018
12.11.2018

STS
KK/SV/SAR-1/15.11.2018/3P-7C