

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.16651 OF 2011

S.Mitra Srikanth

...Petitioner

vs

1. Union of India
Rep by the Secretary to Government
Ministry of Road Transport & Highways,
New Delhi 110 001.
 2. The National Highways Authority of India,
8th Floor, SPIC Annexe Building,
Guindy, Chennai 600 032.
 3. The Project Director,
National Highways Authority of India,
8th Floor, SPIC Annexe Building,
Guindy, Chennai.
 4. The District Collector,
Chennai District,
Rajaji Salai, Chennai 600 001.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorari, to call for the records of the first respondent comprised in the impugned order in No.RW/NH-12014/137/2007 TN/NH-8 dated 13.05.2011 and quash the same as being arbitrary, illegal, contrary to principles of natural justice.

For Petitioners : Mr.Ragul Balaji

For Respondents : * **Mr.N.Siva Bharathi for R4**
Richardson Wilson
for P.Wilson Associates -R3
M.Elumalai GA-R4

O R D E R

The petitioner has filed this Writ Petition seeking to call for the records of the first respondent comprised in the impugned order in No.RW/NH-12014/137/2007 TN/NH-8 dated 13.05.2011 and quash the same as being arbitrary, illegal, contrary to principles of natural justice.

2.The learned counsel for the petitioner would submit that for the purpose of widening the highways, the petitioner properties were acquired. For some portion of the land, the authorities concerned have paid the compensation to the petitioner. However, for remaining portion of the land, they have not paid any compensation. For which, the petitioner filed this present Writ Petition before this Court. This Court in W.P.No.3372 of 2007 vide its order dated 18.04.2007 issued a direction to the first respondent to consider the petitioner's representation dated 25.01.2007, for payment of compensation. Therefore, the impugned order was passed and the petitioner filed the present Writ Petition.

3.The learned counsel for the petitioner further submitted that it would suffice to direct the first respondent to refer the matter under Section 3G(5) of the National Highways Act, 1956, since the dispute is pertaining to the petitioner's title and entitlement of compensation. Hence, this Court may issue a direction to the first respondent to refer the matter under Section 3G(5) read with 3H(4) of the National Highways Act, 1956, to the Competent Civil Court.

4.The learned counsel appearing for the respondents submitted that they will consider the representation made by the petitioner.

5.Considering the facts and on a perusal of the impugned order, the dispute in this Writ Petition is pertaining to the title of the petitioner and entitlement of compensation, from the authorities concerned for acquisition of his land. In such circumstances, the first respondent is directed to refer the matter under Section 3G(5) read with 3H(4) of the National Highways Act, 1956, to the Competent Civil Court within a period of four weeks.

6.With the above directions, the present Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)
24.09.2019

*** Corrected as per the letter dated 12.03.2020
made in W.P.No.16651 of 2011**

Sd/-
Assistant Registrar(CO)
dated 19.03.2020

//True Copy//

Sub Assistant Registrar

vkr

To

1. Union of India
Rep by the Secretary to Government
Ministry of Road Transport & Highways,
New Delhi 110 001.
2. The National Highways Authority of India,
8th Floor, SPIC Annexe Building,
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4. The District Collector,
Chennai District,
Rajaji Salai, Chennai 600 001.

**To be substituted
to the order already
Despatched on
11.11.2019**

+lcc to M/s.P.Wilson Associates Sr.73799
+lcc to the Government Pleader Sr.74025

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W.P.No.16651 of 2011

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srg 28/09/2019
CS/19/03/2020