

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.04.2019

CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.10320 of 2019

S.Jaffer Ali

... Petitioner

Vs.

1.The District Collector cum Arbitrator,
Ariyalur District.

2.The Special District Revenue Officer
(Land Acquisition),
National Highways [Trichy/Ariyalur] ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to take action and pass orders on the petitioner's appeal dated 19.11.2018 and 21.01.2019 seeking for enhancement of compensation expeditiously and further to direct the respondents not to take any coercive action on the petitioner's possession till such time the appeal is decided by the respondent in accordance with law.

For Petitioner : Mr.P.Vasanthi

For Respondents : Mr.D.Raja
Additional Government Pleader for R1

Mrs.S.R.Sumathy for R2

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O R D E R

Mr.D.Raja, learned Additional Government Pleader takes notice for the first respondent; Mrs.S.R.Sumathy, learned counsel takes notice for the second respondent. By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the first respondent to take action and pass orders on the petitioner's appeal dated 19.11.2018 and 21.01.2019 seeking for enhancement of compensation expeditiously and for further direction to the respondents not to take any

coercive action on the petitioner's possession till such time the appeal is decided by the first respondent in accordance with law.

3. According to the petitioner, though his land was acquired by the Government of Tamil Nadu for expansion of Trichy-Chidambaram National Highway, NH-227, by publication dated 14.02.2017, till date no compensation amount was paid to him. Further, since the compensation amount determined by the second respondent /Special District Revenue Officer was low, the petitioner made a representation to the first respondent on 19.11.2018 for enhancement of compensation under Section 3G(5) of the National Highways Act and also sent a reminder on 21.01.2019. However, till date no order has been passed. Hence, the present Writ Petition.

4. The learned counsel for the petitioner submitted that it would be suffice, if a suitable direction is issued to the first respondent to consider the appeal filed by the petitioner.

5. The learned Additional Government Pleader would submit that the appeal preferred by the petitioner is pending before the first respondent and the first respondent will consider the appeal on merits and in accordance with law.

6. In the light of the submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the first respondent to consider the appeal filed by the petitioner dated 19.11.2018 and the reminder dated 21.01.2018 (if it is in order) and pass orders as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order. According to the petitioner, till date no compensation amount was paid to him. If the said fact is true, then, the respondents shall not disturb the possession of the petitioner till the payment of compensation amount as fixed by the Competent Authority (i.e.,) the second respondent is made, if not already dispossessed.

7. With the above directions, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The District Collector cum Arbitrator,
Ariyalur District.

2.The Special District Revenue Officer
(Land Acquisition),
National Highways [Trichy/Ariyalur]

+1cc to Mr.P.Vasanth, Advocate, S.R.No.33257

+1cc to the Government Pleader, S.R.No.34166

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VN II(CO)

RRS (09/04/2019)



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