

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.22896 of 2019

Moorthy

.. Petitioner

/versus/

1.The Collector,
Office of the Collectorate,
Vellore.

2.The Special District Revenue Officer,
For Project Bangalore-Chennai Express Road,
National Highways,
Office of the Land Acquisition,
Vellore-9.

3.The Special Tahsildar,
National Highways,
Office of the Land Acquisition,
Vellore-9.

4.P.Shanmugam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to conduct enquiry on the basis of petitioner representation dated 17.06.2019 for determination of compensation and payment of compensation to the petitioner and his family members for the lands acquired in Survey Nio.812/14, 845/5A, 846/2, 846/3B, 848/10 at Melpadi village and in Survey No.29/1, 33/1 at Veppillai village, Katpadi Taluk, Vellore District, within short stipulated time.

For petitioner : Mr.S.Venkatesh

For Respondents : Mr.D.Raja
Addl.Govt.Pleader for R1 to R3

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

2. The case of the petitioner is that the 2nd and 3rd respondents acquired the land owned jointly by his father, himself and his brother Harish, to lay Express Highways from Chennai to Bangalore. On behalf of his family members for determination of compensation under Section 3(G) of the National Highways Act, he gave representations on 27.05.2019, 10.06.2019 and 17.06.2019 requesting the authority to conduct an enquiry and pay the compensation. The 4th respondent, who is a cousin of the petitioner has given objection claiming share in the property and consequential share in the compensation likely to be awarded.

3. Considering the objection, it appears that the Special Tahsildar has stopped the proceedings in respect of fixation of compensation as far as the land in dispute. Same has been communicated to the petitioner herein vide letter dated 11.03.2019. Now it is represented by the petitioner as well as the 4th respondent/the objector that they both have compromised and they have no objection in proceeding with the enquiry regarding compensation and seek indulgence of this Court to direct the 3rd respondent to complete the enquiry under Section 3 (G) of the Highways Act and pass orders within a stipulated time.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that since there was objection regarding the title and a civil suit is also pending before the Additional District Court, Walaja, the 3rd respondent is unable to proceed with the enquiry under Section 3(G) of the National Highways Act. If the petitioner and the 4th respondent produce all the relevant documents before the 3rd respondent, the 3rd respondent will complete the enquiry within a reasonable time.

5. On hearing the counsels appearing for the petitioner and the 4th respondent, it appears that civil dispute between the petitioner and the 4th respondent has come to an amicable settlement and the parties are ready to participate in the enquiry.

6. In such circumstances, the parties are directed to appear before the 3rd respondent with all relevant documents. On such

appearance, the 3rd respondent shall complete the enquiry within a period of two months and pass appropriate orders in accordance with law and on merits.

7. with the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Collector,
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Vellore.
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For Project Bangalore-Chennai Express Road,
National Highways,
Office of the Land Acquisition,
Vellore-9.
- 3.The Special Tahsildar,
National Highways,
Office of the Land Acquisition,
Vellore-9.

+1cc to Mr.S.Venkatesh, Advocate sr.76954

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W.P.No.22896 of 2019

pa(co)
nr 03/10/2019

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