

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.10.2019

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.26381 of 2019

S.Kandasamy

.. Petitioner

/versus/

1.The Secretary,
Highway and Small Ports Department,
Fort St.George,
Chennai-09.

2.The District Collector,
Namakkal Collector Officer,
Namakkal District.

3.The Special District Revenue Officer,
Land Acquisition Office,
Road Development Program-II,
Highway Development Department,
Suramangalam,
Salem 636 005.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 31.05.2018 and to pay Rs.1350/- on par with survey No.232/2B of Maraparai Village, Tiruchengodu Taluk, Namakkal District to his land acquired also.

For Petitioner :Mr.R.K.Gandhi

For Respondents :Mr.D.Raja, AGP for R1 to R3

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 31.05.2018 and to pay Rs.1350/- on par with survey No.232/2B of Maraparai Village, Tiruchengodu Taluk, Namakkal District to his land acquired.

2.The petitioner herein is aggrieved by the compensation given by the 3rd respondent pursuant to the acquisition of his land under Tamil Nadu Highways Act, 2001.

3.The specific case of the petitioner is that while the neighbouring land owners were awarded compensation of Rs.1350/- per square meter, this petitioner was given compensation only at the rate of 124/- per square meter and the value for coconut trees and other trees was not properly assessed. Hence, a representation was given to the respondents to take into consideration the value of the land of the adjacent property as well as the value of the coconut trees and other trees appropriately and pass adequate compensation. This representation has been given immediately after passing interim award and when the proceedings for passing final award was pending on the file of the 3rd respondent.

4. It is reported by the learned Additional Government Pleader appearing for the respondents that the final award has been passed by the 3rd respondent on 10.08.2018 and by passing the final award the 3rd respondent has become functus officio. If the land owners are aggrieved by the inadequacy of compensation, they may apply to the 2nd respondent/District Collector to refer the matter for determination of appropriate compensation by the Court as per the Section 20 of the Tamil Nadu Highways Act, 2001.

5. The learned counsel appearing for the petitioner would submit that the petitioner has submitted his objection before passing the final award and thereafter,he approached this Court.

6. Since it is reported by the learned Additional Government Pleader appearing for the respondents that the final award has already been passed on 10.08.2018, the 2nd respondent/District Collector should not decline to entertain the application on the ground of limitation.

7. Taking into account the above submissions, this Court without advertting to the other merits of the case regarding inadequacy compensation leave that issue open for the competent Court to decide. As far as the 2nd respondent/District Collector is concerned, he/she is directed to refer the matter to the Court on receipt of the fresh representation given by the petitioner herein regarding inadequacy of compensation.

8. Accordingly, the petitioner is hereby directed to give his representation to the 2nd respondent/District Collector within a period of 15 days from the date of receipt of a copy of this order. On receipt of the representation, the 2nd respondent/District Collector shall refer the matter to the Court under Section 20 of the Tamil Nadu Highways Act, 2001, within a period of eight weeks from the date of receipt of the representation. Any delay in filing the representation is condoned by this Court, taking note of the fact that the petitioner has already made his representation during the month of May, 2018 and has approached this Court by way of writ petition and the same has been pending till date.

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The Secretary,
Highway and Small Ports Department,
Fort St.George,
Chennai-09.

2.The District Collector,
Namakkal Collector Officer,
Namakkal District.

3.The Special District Revenue Officer,
Land Acquisition Office,
Road Development Program-II,
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+1cc to Mr.R.K.Gandhi , Advocate SR.No. 89838
+1 cc to Government Pleader Sr.No. 89865

W.P.No.26381 of 2019

A.SK(22/11/2019)