



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13938 of 2019

and

W.M.P. (MD) No.10421 of 2019

R.Jeyadevi

... Petitioner

-Vs-

1. The Special District Revenue Officer(LA),
Government of Tamil Nadu,
Salai Development Project II, Salem.

2.The District Collector, Dindigul District

3.The Special Tahsildar (LA), Government of Tamilnadu,
Salai Development Project II,
Thirupur.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 14.02.2019, and to pass award copy with enhancement of the compensation amount to the petitioner as per the new guideline of the Tamil Nadu, Highways Act, 2001.

For Petitioner : Mr.V.Palanichamy
For Respondents : Mr.Rajarajan, GA,

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 14.02.2019, and to pass award with enhancement of the compensation amount to the petitioner as per the new guideline of the Tamil Nadu, Highways Act, 2001.

2.Heard Mr.V.Palanichamy, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.The petitioner's land in S.No.386, 392 and 396(1A1) at Thangachiammapatti Village Oddanchatram Taluk, Dindigul District, was sought to be acquired for road development project by the



respondents and in this regard, the 1st respondent viz., the Special District Revenue Officer (Land Acquisition), who is the competent authority to determine the quantum of compensation and accordingly, award has to be passed. In this regard, even though an enquiry notice was given on 26.03.2018, directing the petitioner to appear for enquiry on 12.04.2018, accordingly, the petitioner also appeared before the 1st respondent and registered his objection and request, despite the same having been completed, so far, no orders has been passed by the 1st respondent regarding the award towards the compensation of the petitioner's land and without making the award, the respondents, proceeded to utilize the land acquired from the petitioner for road laying work and therefore, the petitioner is before this Court.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, pursuant to the acquisition and the enquiry conducted thereon, the 1st respondent would decide the quantum of award by taking into account the factual matrix of the issue and by considering the representation given by the petitioner in this regard dated 14.02.2019 and the learned Government Advocate also pointed out that by proceedings dated 06.05.2019 in Na.Ka.4705/19/E1, the District Collector also, who is the 2nd respondent, forwarded the request of the petitioner to the 1st respondent to take a decision and pass final orders and hence, the 1st respondent would pass final order of the award, within a shortest possible period.

5.Considering the said submissions made by both sides and taking into account the factual matrix of the case, this Court is inclined to dispose of the writ petition, with the consent of both parties, at the admission stage itself, by passing the following direction:

"The 1st respondent is directed to pass final order/award in respect of the land of the petitioner acquired for road laying purpose, pursuant to the enquiry conducted by them and also pursuant to the directive issued by the 2nd respondent, District Collector by his proceedings dated 06.05.2019, on merits and in accordance with law and such order shall be passed, with in a period of four weeks from the date of receipt of a copy of this order."

6.With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //



To

1. The Special District Revenue Officer(LA),
Government of Tamil Nadu,
Salai Development Project II,
Salem

2.The District Collector,
Dindigul District

3.The Special Tahsildar (LA),
Government of Tamilnadu,
Salai Development Project II,
Thirupur.

+1CC TO MR.V.PALANICHAMY, Advocate Sr. No.70322

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 70949

Order made in
W.P.(MD)No.13938 of 2019
Dated: **21.06.2019**

MR(CO)

TR (02.07.2019) 3P 6C