



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14961 of 2019

S.S.Thanga Thevan

... Petitioner

-Vs-

1.The District Collector,
Tiruchirapalli.

2.The Land Acquisition Officer Cum
District Revenue Officer,
Trichirapalli.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein to forthwith refer award in Na,Ka.No. C1/31827/2009 dated 04.01.2009 to the Competent Civil Court for determination of fair compensation under Section 20 of Tamil Nadu High Ways Act 2001 pursuant to the Petitioners objection/request dated 24.01.2019.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Ms.AL.Ganthimathi

For Respondents : Ms.Vaishnavi, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents herein to forthwith refer award in Na,Ka.No. C1/31827/2009 dated 04.01.2009 to the Competent Civil Court for determination of fair compensation under Section 20 of Tamil Nadu Highways Act 2001 pursuant to the Petitioners objection/request dated 24.01.2019.

2.Heard Mr.AR.L.Sundaresan, learned Senior Counsel for Ms.AL.Gandhimathi, learned counsel appearing for the petitioner and Mrs.Vaishnavi, learned Government Advocate appearing for the respondents.



3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The petitioner's land has been acquired for public purpose under Tamil Nadu Highways Act, 2001 and a compensation also was fixed and paid. The petitioner has accepted the compensation under protest and he had made objection for enhanced compensation on 24.01.2019 to the respondents and in the said representation/objection, the petitioner sought for reference from the 1st respondent to determine the compensation under Section 20 of the Tamil Nadu Highways Act, 2001. Despite the said request having been made on 24.01.2019, since the respondents especially, the 1st respondent has not acted upon, the petitioner is before this Court. All that the learned Senior Counsel appearing for the petitioner wants that there can be a direction to the 1st respondent to refer the matter to the competent Court for determination of enhanced compensation.

5. I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said request of the petitioner dated 24.01.2019 would be referred by the 1st respondent to the competent Court within a time frame to be stipulated by this Court.

6. Considering the limited scope of the prayer sought for in this writ petition and having regard to the facts of the case as set out above, this Court is inclined to dispose of this writ petition with the following direction:

"The 1st respondent is directed to refer the objection/request of the petitioner dated 24.01.2019 to the competent Court under Section 20 of the Tamil Nadu Highways Act, 2001 for determination of enhanced compensation and such exercise shall be made by the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //



1.The District Collector,
Tiruchirapalli.

2.The Land Acquisition Officer Cum
District Revenue Officer,
Trichirapalli.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-73559[F] dated 05/07/2019)

+1 CC to M/s.SPL GP (SR-73691[F] dated 05/07/2019)

TS(16.07.2019) 3P 5C

Order made in
W.P.(MD)No.14961 of 2019

Dated: 04.07.2019