

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.06.2019****CORAM:****THE HONOURABLE MR. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 6745 of 2019**

WEB COPY

1. S. Devarajan

2. S. Natarajan

... Petitioners

Vs.

1. The National Highway Authority of India,
G5 & 6 Sector-10 Dwarka
New Delhi

2. The District Collector,
Sivagangai, Sivagangai District.

3. The Authorised officer and
Special District Revenue Officer,
(Land Acquisition - National Highways)
District Collector Office,
Ramanathapuram District.

4. The Competent Authority
cum District Revenue Officer,
Land Acquisition (NH)
Sivagangai District.

5. The Special Tahsildar,
(Land Acquisition)
National Highway 210 No. 380 R. Manju Nilayam
Thirupathur Road
Devakottai
Sivagangai District.

6. The Tahsil`dar,
Devakottai Taluk
Sivagangai District

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to direct the 3rd respondent to provide suitable compensation at par with the similarly placed persons in Kannankottai Village by following the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the acquisition of our land admeasuring 8440 sq.mtr. Situate in Karaikudi - Ramanathapuram National Highway Thennevayal Village, Survey Nos. 31/1, 31/3A1, 31/4C2 of Thennevayal Village of Devakottai Taluk of Sivagangai District to petitioners by considering their representation dated 18.02.2019.



For Petitioners : Mr.A.Haja Mohideen
For Respondents : Mr.C.Arul Vadivel @ Sekar
for R1
Mr.M.Rajarajan for R2 to R6
Govt. Advocate

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ORDER

The prayer in the writ petition is for a writ of Mandamus to direct the 2nd respondent to direct the 3rd respondent to provide suitable compensation at par with the similarly placed persons in Kannankottai Village by following the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the acquisition of the land admeasuring 8440 sq.mtr. situate in Karaikudi - Ramanathapuram National Highway Thennevayal Village, Survey Nos.31/1, 31/3A1, 31/4C2 of Theneervayal Village of Devakottai Taluk of Sivagangai District to petitioners by considering their representation dated 18.02.2019.

2. Heard the learned counsel for the petitioner, the learned standing counsel for the first respondent and the learned Government Advocate for the respondents 2 to 6.

3. Though the petitioners' land has been acquired for the public purpose, namely, highways purpose at S.Nos.31/1, 31/3A1, 31/4C2 of Theneervayal Village of Devakottai Taluk, the initial compensation itself has not been paid by the respondents and in this regard, though the petitioners had given a representation on 18.02.2019, the same has not been considered. Therefore, the petitioners are before this Court with this writ petition.

4. I have heard the leaned counsel for the parties and perused the materials available before this Court.

5. The learned standing counsel for the first respondent, having relied upon the counter affidavit filed by the first respondent, submitted that, some more documents, which are pertaining to the land in question acquired by the respondent Department, have not so far been submitted by the petitioner and in this regard, the learned counsel for the first respondent relied upon paragraph No.9 of the counter affidavit, which reads thus:

"9.The petitioner has not produced the valid documents. So it is withheld by the CALA."

By relying upon the said stand taken by the first respondent, the learned standing counsel would submit that, if those documents are filed, based on which, immediately, the order fixing the quantum would be passed and the compensation would be paid to the petitioner at the earliest.



6. The said stand taken by the first respondent is also supported by the learned Government Advocate for the other respondents.

7. In response to the same, the learned counsel for the petitioner submits that, the petitioner is ready and willing to go before the respondents and whatever documents they require pertaining to the land belongs to the petitioners, they shall submit the same at the earliest and based on which, let the respondents decide the compensation and pay to the petitioners.

8. Considering the said submissions made by the learned counsel for the parties and having taken into account the factual matrix of the case, this Court is inclined to dispose of the writ petition by issuing the following direction:

"The petitioners shall appear before the fourth respondent ie., the competent authority cum District Revenue Officer, Land Acquisition, Sivagangai District at the earliest during the working hours within one week from the date of receipt of a copy of this order and produce whatever documents available with the petitioners pertaining to the land in question and on receipt of those documents, after scrutinising the same, the fourth respondent shall take a decision and pass necessary orders with regard to the compensation payable to the petitioner within a period of two weeks from the receipt of such documents and based on which, the fourth respondent shall pay the compensation to be quantified accordingly to the petitioners, within a period of two weeks thereafter." No costs.

Sd/-

Assistant Registrar

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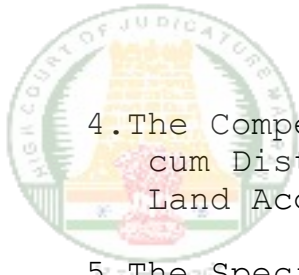
Sub Assistant Registrar(CS)

To

1.The National Highway Authority of India,
G5 & 6 Sector-10 Dwarka, New Delhi

2.The District Collector,
Sivagangai, Sivagangai District.

3.The Authorised officer and
Special District Revenue Officer,
(Land Acquisition - National Highways)
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6.The Tahsildar,
Devakottai Taluk, Sivagangai District

+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-69883[F] dated
19/06/2019)

+1 CC to SPL GP (SR-70069[F] dated 20/06/2019)

+1 CC to Mr.C.ARUL VADIVEL @SEKAR, Advocate (SR-70073[F] dated
20/06/2019)

W.P. (MD) No.6745 of 2019
19.06.2019

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MK (28.06.2019) 4P 10C