

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**W.P.(MD)No.6910 of 2019**

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1) J.G.Cuthbert

2) Tharahai Cuthbert

... Petitioners

Vs

1) The District Collector,
Kanyakumaari District,
Collectorate, Nagercoil.

2) The Competent Authority and
Special District Revenue Officer,
(Land Acquisition- National Highways),
Observatory Street, Opp to Collectorate,
K.P.Road, Nagercoil - 629 001

3) The Special Tahsildar,
Land Acquisition, National Highways,
Nagercoil.

4) The National Highways
Authority of India (Beneficiary),
National Highways Authority of India,
Tirunelveli, now at Pleasant Nagar,
K.P.Road, Nagercoil.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus direct the 2nd respondent to consider the representation of the petitioner dated 02.01.2019 and grant to the petitioners the full award determining the compensation for the acquired land, structure and tree in the 535 sq. meters of land comprised in Re.Sy.No.22/10A of Aloor Village, Kalkulam Taluk, Kanyakumari District and deposit the amount of compensation of Rs.26,10,736/- or any higher amount of compensation with interest in account number 50170015834402 of the 1st petitioner with the Bhandhan Bank, Nagercoil or in current account No.718758073 of the Indian Bank, Nagercoil.

For Petitioner

: Mr.M.Azeem

For Respondents

: Mr.M.Rajarajan,
Government Advocate

**O R D E R**

The instant Writ Petition has been filed for a Mandamus to direct the second respondent to furnish a copy of the award, by which they have determined the compensation in respect of the lands belonging to the petitioner at Re.Sy.No.22/10A of Aloor Village, Kalkulam Taluk, Kanyakumari District acquired by the respondents and also to consider the representation dated 02.01.2019 submitted by the petitioner to deposit the compensation amount of Rs.26,10,736/- or any higher amount of compensation with interest in account number 50170015834402 of the 1st petitioner with the Bhandhan Bank, Nagercoil or in current account No.718758073 of the Indian Bank, Nagercoil within the time stipulated by this Court.

2. It is not in dispute that as seen from the communication dated 04.12.2018 issued by the Special Tahsildhar, National Highways, Nagercoil that the afore-mentioned lands belonging to the petitioner have been acquired by the third respondent. Therefore, insofar as the first relief sought for by the petitioner is concerned, namely, request for a direction to the second respondent to furnish a copy of the award by which compensation was awarded for the acquired lands belonging to the petitioner, the said relief will have to be necessarily granted by this Court.

3. Insofar as the other direction sought for, viz., to direct the second respondent to deposit the compensation amount into the bank account of the petitioner is concerned, it is only for the third respondent to consider the representation submitted by the petitioner in accordance with law and pass final orders. Further, in the instant case, since the respondents have not filed the counter affidavit, such a direction cannot be issued at this stage.

4. In the result -

(i) the second respondent is directed to furnish a copy of the award to the petitioner within a period of two(02) weeks from the date of receipt of a copy of this order and

(ii) the second respondent is also directed to dispose of the representation dated 02.01.2019 submitted by the petitioner regarding the deposit of compensation amount to the petitioner's account for the acquired lands in accordance with law within a period of eight(08) weeks from the date of receipt of a copy of this order.



5. With the aforesaid directions, the **writ petition is disposed** of. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

- 1) The District Collector,
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- 3) The Special Tahsildar,
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- 4) The National Highways
Authority of India (Beneficiary),
National Highways Authority of India,
Tirunelveli, now at Pleasant Nagar,
K.P.Road, Nagercoil.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-59195[F] dated 05/04/2019)

+1 CC to M/s.SPL GP (SR-59302[F] dated 05/04/2019)

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Order made in
W.P. (MD) No.6910 of 2019
04.04.2019

KM/(16.04.2019) 3P 7C