

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 04.04.2019**

WEB COPY

CORAM:**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE****W.P. [MD]No.1263 of 2015**

A.Sakunthala

: Petitioner

Vs.

1.The Director (Scheme),
Indian National Highways Commission,
83/1, S.P.colony First Extension,
Bye Pass Road,
Madurai - 625 016.

2.The District Revenue Officer,
National Highways,
Virudhunagar District.

3.The Project Director,
National Highways Authority of India,
Tuticorin.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to invoke National Highways Act in acquiring the petitioner's land measuring 71 sq.mts. in Survey No.5/11 at Kanjanaickenpatti Village, Aruppukottai Taluk, Virudhunagar District, consequently direct the respondents herein to pass suitable award as per National Highways Act by fixing compensation including additional market value and solatium and interest as per Land Acquisition Act 1894 based on reported judgment interest as per Land Acquisition Act 1894 based on reported judgment in AIR 2003 (Kar) 165 in the case of Lalitha Vs. Union of India and reported judgment of our Hon'ble Court declaring section 3G of National Highways Act as ultravires and void consequently to direct the respondents to follow the above Land Acquisition Act, 1894 in fixing compensation.

For Petitioner : Mrs.s.Srimathi

For Respondents : Mr.C.Arulvadivel @ Sekar

O R D E R

The instant Writ Petition has been filed by the petitioner on the ground that compensation was not paid by the respondents despite the acquisition of the petitioner's land measuring 71 sq.mts. in Survey No.5/11 at Kanjanaickenpatti Village, Aruppukottai Taluk, Virudhunagar District, in the year 2009 itself.



2.The third respondent has filed the counter affidavit before this Court today, wherein in Paragraph No.3, they have admitted that compensation has not been paid for the aforesaid lands belonging to the petitioner acquired by them. They have also given an undertaking in Paragraph No.6 that they are ready and willing to pay compensation as per the present Rules and Regulations laid down in the Circular issued by the Government of India, Ministry of Road Transport and Highways in No.NH-11011/30/2015/LA dated 28.12.2017.

3.The learned Counsel for the petitioner on instructions submits that the Writ Petition can be closed after recording the undertaking given by the respondents to pay the compensation as per the aforesaid circular dated 28.12.2017.

4.Recording the undertaking given by the third respondent, in Paragraph No.6 of their counter affidavit, the Writ Petition is closed with a direction to the respondents to pay the compensation to the petitioner as per the circular dated 28.12.2017, within a period of eight [8] weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

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Bye Pass Road, Madurai - 625 016.

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Virudhunagar District.

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Tuticorin.

+1 CC to M/s.S.SRIMATHY, Advocate in SR-59055
+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate in SR-59164
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.59309

W.P.[MD]No.1263 of 2015
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MR