



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 16257 of 2019

WEB COPY

K. Varatharajan

... Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Cantonment,
Trichy District.

2. The Special District Revenue Officer (Land Acquisition),
National Highways,
Trichy District.

3. The Special Tahsildar,
Land Acquisition for
National Highways Trichy to Chidambaram Salai,
V Cross Pon Nagar,
Karumandapam,
Trichy District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to provide adequate compensation to consider the petitioner's representation dated 07.11.2018 and pass appropriate order in Na.Ka.No.432-2015, dated 25.03.2019 within the time period stipulated by this Court.

For Petitioner : Mr. N. Syedali

For Respondents : M/s. Vaishnavi, G.A.

ORDER

The prayer in the Writ petition is for a Writ of Mandamus, directing the first respondent to provide adequate compensation to consider the petitioner's representation dated 07.11.2018 and pass appropriate order in Na.Ka.No.432-2015, dated 25.03.2019 within a time frame to be fixed by this Court.

2. Heard Mr. N. Syedali, learned counsel for the petitioner and Ms. Vaishnavi, learned Government Advocate appearing for the respondents.



3.The petitioner's land was acquired for public purpose (Highways purpose) and a compensation also has been declared. However, not satisfied with the same, the petitioner has filed an appeal by way of arbitration petition to the first respondent / District Collector under Section 3G(5) of the National Highways Act on 07.11.2018 and the same is still pending and no decision has been taken by the first respondent and therefore, the petitioner is before this Court.

4.Heard the learned Government Advocate appearing for the respondents, who would submit that, the said appeal claimed to have been filed by the petitioner to the first respondent, is still pending and certainly the same would be decided on merits by the first respondent within a time frame.

5.Considering the limited scope of the prayer sought for herein, this Court is inclined to dispose of this Writ petition with the consent of both sides at the admission stage with the following direction:

That the appeal dated 07.11.2018 filed by the petitioner, shall be considered and decided on merits and in accordance with law by the first respondent and in this regard, if need be, opportunity of being heard, shall be given to the petitioner and final order shall be passed thereon, within a period of 8 weeks from the date of receipt of a copy of this order.

6.With this direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate Office,
Cantonment,
Trichy District.

2.The Special District Revenue Officer (Land Acquisition),
National Highways,
Trichy District.



3.The Special Tahsildar,
Land Acquisition for
National Highways Trichy to Chidambaram Salai,
V Cross Pon Nagar,
Karumandapam,
Trichy District.

+1 CC to Mr.N.SYED ALI, Advocate (SR-76717[F] dated 22/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-76887[F] dated
23/07/2019)

W.P. (MD) No.16257 of 2019
22.07.2019

nbj

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