



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD) No.20197 of 2019

Joseph Legori

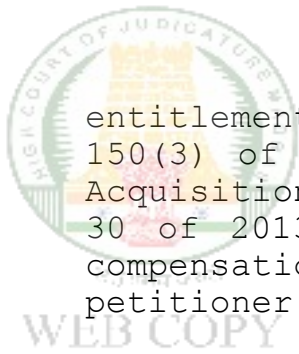
... Petitioner

vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
- 3.The Project Director cum DGM (Tech),
No.314E, K.P. Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629 003,
Kanyakumari District.
- 4.The Union of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi.
- 5.The Special Tahsildar (LANH Unit III),
Vilvancode, Thiruthuvapuram,
Kanyakumari District.
- 6.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to pass orders on the Appeal dated 19.11.2018 for re-fixation of compensation awarded, in the modified award No.7/2015-31 dated 29.10.2018 in proceedings No.ROC J4/20/2010, as per the



entitlement in the Second Schedule R/W (Sections 31(1) 38(1) and 150(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and by applying multiplier four and pay the revised compensation together with interest and other benefits to the petitioner.

For Petitioner : Mr.G.Justin

For RR 1, 2, 5 & 6 : Mr.M.Rajarajan,
Government Advocate.

For R - 3 : Mr.K.K.Senthilvelan

For R - 4 : Mr.K.R.Laxman
Senior Panel Counsel.

ORDER

Mr.G.Justin, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Rajarajan, learned Government Advocate, accepts notice on behalf of the respondents 1, 2, 5 and 6, Mr.K.K.Senthilvelan, learned counsel accepts notice on behalf of third respondent and Mr.K.R.Laxman, learned Senior Panel counsel accepts notice on behalf of fourth respondent.

3. With consent of learned counsel for writ petitioner and State Counsel, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua expeditious disposal of writ petitioner's appeal filed on 19.11.2018 wherein enhancement of compensation given for lands acquired vide award dated 29.10.2018 has been sought.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned appeal of the writ petitioner, dated 19.11.2018 (page Nos.15 & 16 of the typed set of papers forming part of the case file) on its own merits and in accordance with law.

6. The aforesaid appeal dated 19.11.2018 shall be disposed of by the first respondent on its own merits and in accordance with law



as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order, if not already disposed of.

7. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. In this case, it is submitted that the issue of limitation also arises and though obvious, it is made clear that this question is also left open to be decided by the first respondent.

8. The order of disposal of appeal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To

- 1.The District Collector,
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Kanyakumari District.



6.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

+1 CC to M/s.G.JUSTIN, Advocate (SR-87693[F] dated 19/09/2019)

+1 CC to M/s.K.K.SENTHILVELAN, Advocate (SR-88285[F] dated 20/09/2019)

+1 CC to M/s.SPL GP (SR-88325[F] dated 20/09/2019)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-88185[F] dated 20/09/2019)

W.P (MD) No.20197 of 2019
19.09.2019

PS
MS/03.10.2019/4P.11C