



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P (MD)No.20144 of 2019

WEB COPY

A. Sundaraj

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The District Revenue Officer,
Land Acquisition National Highways,
Observatory Street,
Nagercoil.

3.The Project Director cum DGM(Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629 003,
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 representation dated 29.05.2019 for re-fixation of compensation for the tomb as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and pay the revised compensation together with interest and other benefits to the petitioner.

For Petitioner : Mr.G.Justin

For Respondents : Mr.M.Rajarajan,
Government Advocate
for R.1 and R.2
: Mr.SU.Srinivasan
Standing Counsel
for R.3



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 respondents 1 and 2 and Mr.SU.Srinivasan, learned Standing Counsel accepts notice on behalf of the third respondent.

3. With consent of learned counsel on both sides, 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 disposal of writ petitioner's representation dated 29.05.2019 wherein writ petitioner has sought compensation qua land (on which a tomb was situate) that was acquired.

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 representation of the writ petitioner, dated 29.05.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 29.05.2019 made by the writ petitioner (page Nos.15 to 20 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 29.05.2019 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 (8) weeks from the date of receipt of a copy of this order.

8. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the completion of



aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

SSL

To

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The District Revenue Officer,
Land Acquisition National Highways,
Observatory Street, Nagercoil.

3.The Project Director cum DGM(Tech),
No.314E, K.P.Road, Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629 003,
Kanyakumari District.

+1 CC to M/s.G.JUSTIN, Advocate (SR-87691[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-88408[F] dated 20/09/2019)

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-88287[F] dated
20/09/2019)

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KK/SAR/10.10.2019/3P-7C/