



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20167 of 2019

Joseph Ligori

... 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-629003,
Kanyakumari District.
- 4.The Union of India,
represented by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street, New Delhi.
- 5.The Special Tahsildar (LANH Unit III),
Villvancode, 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 order on the Appeal dated 08.10.2018 for re-fixation of compensation awarded, in the modified award No.7/2015-30, dated 10.09.2018 in proceedings No.ROC J4/20/2010, as per the entitlement in the Second Schedule, R/W Sections 31(1), 38(1) and 40(5) 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 Respondents : Mr.M.Rajarajan
Government Advocate
for R.1, R.5 and R.6

: Mr.K.K.Senthilvelan
for R.3

: Mr.K.R.Laxman
Senior Panel Counsel
for R.4

ORDER

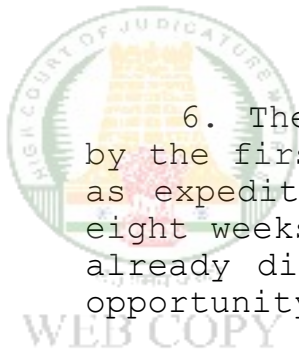
Mr.G.Justin, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Rajarajan, learned Government Advocate, accepts notice on behalf of the respondents 1, 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. To be noted, this order is not adverse to the second respondent and adequate safeguard is being given in this regard.

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 08.10.2018, wherein enhancement of compensation given for lands acquired vide award dated 10.09.2018 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 08.10.2018 (page Nos.14 to 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 08.10.2018 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, after putting on notice and giving reasonable opportunity to sole respondent in appeal (second respondent herein).

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 also 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 as well as the second respondent under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

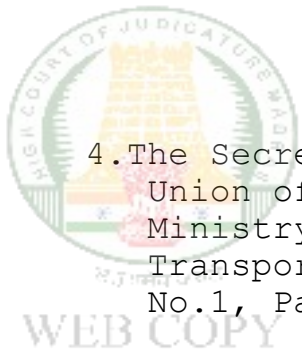
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Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.G.JUSTIN, Advocate (SR-87692[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-88324[F] dated 20/09/2019)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-88184[F] dated 20/09/2019)

+1 CC to M/s.K.K.SENTHILVELAN, Advocate (SR-88284[F] dated
20/09/2019)

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JMN(09.10.2019) 4P : 11C