



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22034 of 2019

WEB COPY

Nagamani

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Special Revenue Tahsildar,
The Special District Revenue Office (LANH),
Abservator Street,
K.P.Road, Nagercoil-2.

3.The Special District Revenue Officer,
for Land Acquisition,
National Highway Authority of India(NHAI),
Kanyakumari District.

4.The Project Director,
National Highway Authority of India (NHAI),
Nagercoil,
Kanyakumari District,
Kanyakumari.

... Respondents

(Respondents 3 and 4 are impleaded as respondents
vide order of this Court dated 28.11.2019 made in
W.M.P.(MD)No.20295 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing third respondents to disburse the compensation amount of Rs.19,82,036/- (Nineteen Lakhs eighty two thousand and thirty six only) with interest for acquiring the petitioner's land to an extent of 600 sq meters in survey No.80/6 at Thathiarkulam Mettu Madaipuravil, Theraikkal Puthur Village (previously Nagercoil Village), Agasthishwaram Taluk, Kanyakumari District for laying National Highway 47 by considering petitioner's representation dated 24.08.2019.

For Petitioner : Mr.T.R.Jenarthanan
For Respondents : Mr.C.Narendran
for Mr.M.Rajarajan
Government Advocate
for R.1 to R.3



: Mr.S.Sivakumar
for Mr.SU.Srinivasan
Standing Counsel
for R.4

ORDER

WEB COPY

Mr.T.R.Jenarthanan learned Counsel on record for writ petitioner, Mr.C.Narendran representing Mr.M.Rajarajan, learned Government Advocate who accepts notice on behalf of respondents 1 to 3 and Mr.S.Sivakumar representing Mr.SU.Srinivasan, learned Standing Counsel for NHAI, who accepts notice on behalf of fourth respondent are before this Court.

2. With consent of learned Counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. Instant main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 24.08.2019 wherein writ petitioner has sought compensation for land which has been acquired which according to the writ petitioner belongs to him.

4. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant writ petition and submits that it will suffice if third respondent is directed to dispose of the aforementioned representation of the writ petitioner dated 24.08.2019, details of which have been alluded to supra.

5. Learned State counsel submitted that the third respondent is the authority who shall consider the aforementioned representation dated 24.08.2019 made by the writ petitioner (page No.11 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 24.08.2019 shall be disposed of by the third 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.

7. It is made clear that in the course of the representation being considered by third respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, third respondent shall put on notice and 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. The authority concerned ie., third respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

8. The proceeding / order of disposal of aforementioned representation shall be communicated by the office of third respondent to the writ petitioner and others concerned if any under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise, ie., seven days from date of disposal.

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

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Special Revenue Tahsildar,
The Special District Revenue Office (LANH),
Abservator Street,
K.P.Road, Nagercoil-2.
- 3.The Special District Revenue Officer,
for Land Acquisition,
National Highway Authority of India(NHAI),
Kanyakumari District.

+1 CC to Mr.SU.SRINIVASAN, Advocate (SR-102447[F] dated 29/11/2019)

+1 CC to SPL GP (SR-102788[F] dated 29/11/2019)

+1 CC to Mr.S.R.ANBARASU, Advocate (SR-102939[F] dated 02/12/2019)

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MK (28.01.2020) 3P 7C