



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2019**

CORAM:

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

W.P (MD)No.24671 of 2019

WEB COPY

Chella Nadar

... 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.314 E, K.P.Road,  
Near Ayappan Kovil,  
Parvathipuram, Nagercoil - 629 003,  
Kanyakumari District.
- 4.The Union of India,  
represented by its Secretary,  
Ministry of Road Transport and Highways,  
Transport Bawan,  
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 orders on the appeal dated 13.07.2019 by awarding compensation for the S.No.847/9 measuring an extent of 7.750 cents and 847/8 measuring an extent of 63 Sq.Links at Valvachangosham Village, Kalkulam Taluk, Kanyakumari District and the same is pay to the petitioner.



WEB COPY

For Petitioner : Mr.G.Justin  
For Respondents : Ms.V.P.M.Vaishnavi  
Government Advocate  
for R.1, R.2, R.5 and R.6  
:Mr.SU.Srinivasan  
Senior Panel Counsel for R.3  
: Mr.S.Sivakumar  
Standing Counsel for R.4

**ORDER**

Mr.G.Justin, learned Counsel on record for writ petitioner, Ms.V.P.M.Vaishnavi, learned Government Advocate who accepts notice on behalf of respondents 1, 2, 5 and 6, Mr.SU.Srinivasan, learned Senior Panel Counsel(represented by learned Counsel S.Sivakumar in the hearing today), who accepts notice on behalf of third respondent and Mr.S.Sivakumar, learned Standing Counsel for R.4, who accepts notice on behalf of fourth respondent are before this Court.

2. With consent of all learned Counsel aforementioned, 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 appeal/representation dated 13.07.2019 wherein writ petitioner has sought compensation for lands acquired under The National Highways Act, 1956.

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 the first respondent is directed to dispose of the aforementioned appeal/representation of the writ petitioner, dated 13.07.2019, details of which have been alluded to supra.

5. Learned State counsel submitted that first respondent is the authority who shall consider the aforementioned appeal/representation dated 13.07.2019 made by the writ petitioner (page Nos.10 and 11 of the typed set of papers forming part of the case file).

6. The aforesaid appeal/representation dated 13.07.2019 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.

7. It is made clear that in the course of the appeal/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 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 appeal/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., first respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

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

9. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

SSL

To

1.The District Collector,  
Kanyakumari District,  
Nagercoil.

2.The Competent Authority &  
District Revenue Officer,  
Land Acquisition National Highways,  
Tirunelveli @ Nagercoil,  
Kanyakumari District.

3.The Special Tahsildar (LANH Unit III),  
Villvancode, Thiruthuvapuram,  
Kanyakumari District.



4.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

+1cc to M/s.Special Government Pleader, SR No.100546

+1cc to Mr.G.Justin, Advocate, SR.No.100121

+1cc to Mr.SU.Srinivasan, Advocate, SR No.100187

+1cc to Mr.S.Sivakumar, Advocate, SR No.100188

W.P (MD) No.24671 of 2019

21.11.2019

KK/SAR/10.12.2019/4P-9C/