



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2019

CORAM:

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

W.P(MD)No.25508 of 2019

and

W.M.P.(MD)No.22072 of 2019

T.Kanakku Malayandi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highway Authority of India,
No.223, Velankanni Church Road,
Anna Nagar,
Madurai-625 020.

3.The Project Director,
The National Highways Authority of India,
Surya Tower 2nd Floor,
K.K.Nagar,
Madurai.

4.J.R.Varadhachari

5.J.R.Yajendra Babu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the officials respondents 1 to 3 to pass award and to provide adequate compensation to the petitioner on par with the respondents 4 and 5 for the acquisition of lands measuring 1 acre 40 cents in S.No.93/2, Thamarapatti IInd Bit Village, Madurai East Taluk, Madurai District within a time frame that may be fixed by this Court.

For Petitioner : Mr.C.Jawahar Ravindran

For Respondents : Ms.V.P.M.Vaishnavi
Government Advocate for R.1 to R.3



ORDER

Mr.C.Jawahar Ravindran, learned Counsel on record for writ petitioner and Ms.V.P.M.Vaishnavi, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 (official respondents) are before this Court.

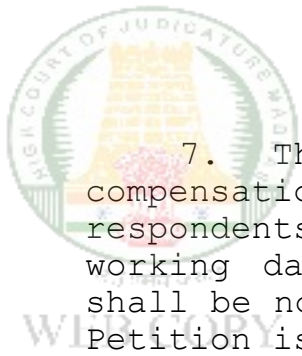
2. From the case file, it comes to light that this writ petition can be disposed of by passing an order which is not adverse to the rights of the respondents 4 and 5 (private respondents). Therefore, with the consent of learned Counsel for writ petitioner and State Counsel, main writ petition is taken up and is being disposed of.

3. It is the case of the writ petitioner that he is a cultivating tenant under the respondents 4 and 5 (private respondents) in respect of certain extents of lands and those lands were acquired under 'The National Highways Act, 1956 (48 of 1956)' (hereinafter 'said Act' for the sake of convenience and brevity).

4. It is the case of the writ petitioner that he is entitled to a part of compensation which has to be paid for the acquired lands. Saying so, writ petitioner had petitioned the second respondent who sent a communication dated 24.07.2018 bearing reference Na.Ka.No.A1/01/2018 saying that compensation for acquired land (to be noted according to this notice, the land concerned is land in Survey No.93 in II Bit of Thamaraipatti Village, Madurai East Taluk, Madurai District) will be computed if documents pertaining to the acquired land are produced. Writ Petitioner undertakes to go before the second respondent and produce the documents in respect of writ petitioner's claim that he is cultivating tenant qua said land.

5. Learned State Counsel submits that the second respondent would proceed with the aforesaid exercise after putting the writ petitioner as well as respondents 4 and 5 (private respondents) under whom writ petitioner claims that he is a cultivating tenant, on notice give them reasonable opportunity and thereafter conclude the proceedings.

6. In the light of the aforesaid trajectory, the Writ Petition is disposed of by directing the second respondent to send notices to writ petitioner as well as respondents 4 and 5 pursuant to the aforesaid 24.07.2018 communication, give reasonable opportunity to the writ petitioner as well as respondents 4 and 5, call for supporting documents from them as may be necessary and conclude the proceedings regarding fixing the compensation in accordance with the said Act as expeditiously as possible and in any event within a period of twelve (12) weeks from the date of receipt of a copy of this order.



7. The conclusion of the second respondent fixing of compensation shall be communicated to the writ petitioner as well as respondents 4 and 5 under due acknowledgement within seven (7) working days from the date of conclusion of proceedings. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai District,
Madurai.

2.The Competent Authority and Special District Revenue Officer,
(Land Acquisition),
National Highway Authority of India,
No.223, Velankanni Church Road, Anna Nagar,
Madurai-625 020.

3.The Project Director,
The National Highways Authority of India,
Surya Tower 2nd Floor, K.K.Nagar,
Madurai.

+1 CC to M/s.C.JAWAHAR RAVINDRAN, Advocate (SR-102954[F] 02/12/2019)
+1 CC to M/s.Special Govt. Pleader (SR-102998[F] dated 02/12/2019)

W.P(MD)No.25508 of 2019
29.11.2019

SSL

SDS (16.12.2019) 3P 6C