



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.26980 of 2019

K.Sundaramoorthy

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the record relating to the impugned order, passed by 2nd respondent in his proceedings in Na.Ka.No.3955/2019/B3, dated 03.07.2019 and quash the same as illegal and consequently to direct the 2nd respondent to calculate the compensation amount as per law to the petitioner's lands.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For Respondent : Mr.M.Rajarajan

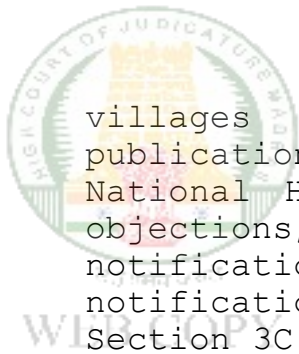
No.1&2 Government Advocate

ORDER

This writ petition is filed for issuing a writ of Certiorarified Mandamus, to quash the impugned order, passed by 2nd respondent in his proceedings in Na.Ka.No.3955/2019/B3, dated 03.07.2019 as illegal and consequently to direct the 2nd respondent to calculate the compensation amount as per law to the petitioner's lands.

2.Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

3.Having regard to the documents filed before this Court, this Court has seen that the petitioner has purchased punja land by a document, dated 31.07.2017. A notification has been issued by the Highways Authority of India proposed to acquire lands in few



villages including the petitioner's land. As per the paper publication, dated 21.02.2019, issued under Section 3C(2) of National Highways Act, land owners are required to submit their objections, if any, for acquisition of their land. This notification is not a declaration, but only a preliminary notification, before holding an enquiry, as contemplated under Section 3C of National Highways Act. To this notice, the petitioner has submitted his objections, dated 12.04.2019. In his objections, the petitioner has not expressed any objection for acquisition. However, he wanted compensation to be paid for his land as per market value. Since the scope of enquiry under Section 3C is only to consider whether acquisition should go on despite objection, the objection was over ruled mechanically by a communication which is impugned in the present writ petition.

4.Having regard to the above facts, this Court is of the view that the writ petition filed by the petitioner is pre-mature. The petitioner is entitled to compensation, if his land is acquired. Upon acquisition, if the respondent issued notice before deciding the amount of compensation payable to each of the land owners, it is open to the petitioner to state his interest and make his claim regarding quantum of compensation with supporting documents. Giving such liberty to the petitioner, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

+1 CC to SPL.GP (SR-106149[F] dated 20/12/2019)

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MK (20.01.2020) 2P 4C