

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.321 of 2020

K.Kunchithapadam

...Petitioner

vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
 2. The Special District Revenue Officer (L & A),
National Highway No.45-A & 227,
O/o. District Collector's Office,
Cuddalore - 607 001.
 3. The Special Tahsildhar, (Land Acquisition)
National Highway No.45-A & 227,
Cuddalore.
 4. The Special Tahsildhar, (Land Acquisition),
National Highway No.45-A, Unit -3,
Cuddalore.
- ...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 consider the petitioner's representations dated 02.02.2019, 10.12.2019 and 16.12.2019 for fixation value for granting compensation for the petitioner's land measuring 2900 square feet (273 square meter) in Plot.Nos.1 & 2 in the Approved Layout (Dhandareswara Nallur Village Panchayat Resolution dated 06.11.2006 and Resolution No.6/2006) known as S.Chandira Sundar Nagar, comprised in R.S.No.10/2B2A of C.Dhandareswara Nallur Village, Chidambaram Taluk, Cuddalore District and pass appropriate orders within the time stipulated by this Court.

For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mr.D.Raja

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the first respondent to consider the

representations made by the petitioner, wherein the petitioner is seeking for fixation of compensation and payment of the same to him, within the time limit fixed by this Court.

2.Mr.D.Raja, learned Additional Government Pleader, based on the written instructions received from the second respondent, submitted that the compensation amount has already been determined through award dated 09.10.2018, and since the petitioner did not give the particulars for the deposit of award amount, the second respondent has retained this amount in the appropriate account. The learned Additional Government Pleader further submitted that if the petitioner is not satisfied with this amount, he will have to file an arbitration application before the District Collector and work out his remedy and the petitioner cannot again approach the second respondent and seek for enhancement of compensation. The learned counsel submitted that the second respondent has informed about this to the petitioner and inspite of the same, the petitioner is making repeated representations and has approached this Court.

3.Per contra, Mr.A.Ilayaperumal, learned counsel for the petitioner submitted that the petitioner has not received the award amount till date and he does not even have a copy of the award. The learned counsel submitted that this Court had directed the respondents to file a report on the action taken based on the representations made by the petitioner and till date, no report has been filed before this Court. The learned counsel further submitted that if the compensation amount has already been determined, the second respondent may be directed to give a copy of the award to the petitioner and the petitioner will take a decision after going through the award.

4.Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to be present before the second respondent and the petitioner shall submit a representation along with a copy of this order. The second respondent on receipt of the same, shall furnish a copy of the award to the petitioner. It is left open to the petitioner to receive the compensation from the second respondent. If the petitioner is not satisfied with the compensation amount fixed by the second respondent, it is again left open to the petitioner to receive the compensation without prejudice to his rights to work out his remedy by initiating arbitration proceedings under the National Highways Act. Except giving this liberty, no further orders can be passed in this writ petition.

5.This writ petition is accordingly, disposed of. No costs.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

rk

To

1. The District Collector,
Cuddalore District,
Cuddalore.
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Cuddalore.

+1 CC to MR.A.Ilayaperumal Advocate SR NO.37717

सत्यमेव जयते

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SVI [CO]
MK:19/12/2020

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