



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.2690 of 2020

N.Gloribai

... 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.314E, K.P. Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629 003,
Kanyakumari District.

... Respondents

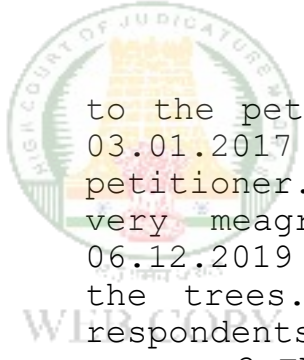
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to re-fix the compensation for the tress as per the value fixed by the Horticulture Department ie., at the rate of Rs.15,000/- per rubber tree and for other trees and pay the same to the petitioner by applying the provision of the National Highways Act as well as New Act 30/2013 by passing orders on the petitioner's representation dated 06.12.2019.

For Petitioner	: Mr.G.Justin
For RR 1 & 2	: Mr.M.Rajarajan
	Government Advocate
For R - 3	: Mr.Su.Srinivasan

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the first respondent to re-fix the compensation for the trees as per the value fixed by the Horticulture Department ie., at the rate of Rs.15,000/- per rubber tree and for other trees and pay the same to the petitioner by applying the provision of the National Highways Act as well as New Act 30/2013 by passing orders on the petitioner's representation dated 06.12.2019.

2.According to the petitioner, her lands comprised in Survey Nos.846/1, 846/5, 846/6 and 842/17 at Valvachangostam Village, Kalkulam Taluk, Kanyakumari District along with trees were acquired by the respondents for the land acquisition proceedings and after due enquiry, the second respondent passed an award in Award No.5 of 2015, dated 20.09.2015, determining the compensation amount payable



to the petitioner and the second respondent vide proceedings dated 03.01.2017 passed orders sanctioning the compensation amount to the petitioner. Since the compensation amount fixed for the trees is very meagre, the petitioner has given a representation dated 06.12.2019 to the first respondent to re-fix the compensation for the trees. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3.The learned Standing Counsel appearing for the third respondent submitted that the petitioner's representation is pending before the first respondent for consideration to re-fix the compensation for the rubber trees, as per the value fixed by the Horticulture Department.

4.In view of the above statement made by the learned Standing Counsel and also considering the fact that the representation is pending from the year 2019, this Court directs the first respondent to consider the representation of the petitioner dated 06.12.2019 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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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 Project Director cum DGM (Tech),
No.314E, K.P. Road,Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629 003,Kanyakumari District.
- +1 CC to M/s.GP (SR-14256[F] dated 17/08/2020)
+1 CC to M/s.SU. SRINIVASAN, Advocate (SR-14071[F]

Order made in
W.P. (MD) No.2690 of 2020
Dated: 13.08.2020

SMA/21/08/2020/2P/6C

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