



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR**

W.P. (MD)No.2685 of 2020

Joseph Ligori

... Petitioner

Vs.

1.The District Collector,  
Kanyakumari District,  
Nagercol.

2.The Competent Authority and  
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.

4.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to measure and value the building in S.No.562/15 at Thiruvanthancode Village, Kanyakumari District by the PWD Officials and fix the compensation as per Section 3(G) 7 a to d of National Highways Act, 1956 r/w Section 26 to 30 of New Act 30/2013 and the same has to paid to the petitioner and without paying the compensation, the respondents cannot demolish the building by passing orders on the representation dated 18.12.2019.

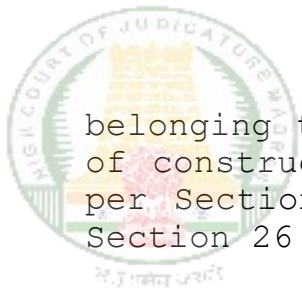
For Petitioner : Mr.G.Justin

For R1, R2 & R4 : Mr.M.Rajarajan  
Government Advocate

For R3 : Mr.S.V.Srinivasan

**ORDER**

The petitioner has filed this petition seeking a direction to the first respondent for determination of the value of the building  
<https://hcservices.ecourts.gov.in/hcservices/>



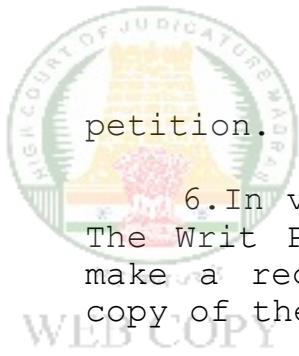
belonging to the petitioner whose land was enquired for the purpose of construction of National Highways 47 and to fix compensation as per Section 3(G) 7 a to d of the National Highways Act, 1956, r/w Section 26 to 30 of New Act 30 /2013.

2.The case of the petitioner is that the petitioner is the owner of the land in Survey No.562/15 measuring an extent of 7 cents at Thiruvanthancode Village, Kalkulam Taluk, Kanyakumari District, out of which, an extent of 280 sq. mt. of land was acquired by the Special District Revenue Officer (Land Acquisition-National Highways), Tirunelveli. In this regard, the second respondent/District Revenue Officer by Modification Award No.6/2015-34, dated 20.08.2018 awarded Rs.2,89,608/- as compensation for 280 sq.mts of land to the petitioner. Not satisfied with the compensation amount fixed by the second respondent, the petitioner has submitted a representation on 18.12.2018 to the first respondent requesting to fix the market value of the land as Rs.4,00,000/- per cent. So far, no order is passed by the first respondent on the said representation. Therefore, he has filed the present writ petition before this Court.

3.According to the learned Government Advocate, Maria Rajendra Arulappan S/o.Maria Sebastian, Maria Francis Xavier S/o.Maria Sebastian and Joseph Likori S/o.Maria Savarimuthu have applied for compensation. The legal heirs of Maria Savarimuthu have given statements to the effect that they have no objection in paying the compensation in the name of Joseph Ligori. Therefore, the compensation for 240 sq.mt in Sy.No.562/15 which worked out to Rs.2,54,432/- was paid to Thiruvalargal Francis Xavier and Maria Rajendra Arulappan Sons of Maria Jebastian and Joseph Ligori S/o.Maria Savarimuthu in equal share. He further submitted that again the petitioner applied for higher compensation to the Arbitrator / District Collector. The District Collector sanctioned additional compensation amount Rs.13,43,192/- for 280 sq.mtr and Rs.3,83,497/- for 1/3<sup>rd</sup> share 240 sq.mtr., as per the proceedings of Roc.E2/26829/2016, dated 19.07.2019. In the counter affidavit, it has been clearly stated that all the compensation amount paid to the individual as per RFTCLARR Act, 2013 solution and 12% additional compensation amount paid to the petitioner. The petitioner has filed this petition for the aforesaid prayer without disclosing the said fact.

4.At this juncture, the learned counsel for the petitioner submitted that the petitioner has not received the copy of the award given by the District Collector, Kanyakumari District and requests this Court to furnish the copy of the award to him.

5.The learned Government Advocate submits that in view of the order passed by the District Collector, Kanyakumari District, nothing survives for further adjudication in the present writ



petition.

6. In view of the above, there is no merit in the writ petition. The Writ Petition stands dismissed. No Costs. The petitioner can make a request before the concerned Authority for furnishing the copy of the award, if it is not already received by him.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

NOTE: 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.

To

1. The District Collector,  
Kanyakumari District,  
Nagercol.
2. The Competent Authority and  
District Revenue Officer,  
Land Acquisition National Highways,  
Tirunelveli @ Nagercoil,  
Kanyakumari District.
3. The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

+1 CC to M/s.SU. SRINIVASAN, Advocate ( SR-13399[F] dated 31/07/2020 )

W.P. (MD)No.2685 of 2020  
30.07.2020

AP (07/08/2020) 3P 5C