



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.02.2020
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.3032 of 2020

WEB COPY

M/s.Srinidhi Industries Limited,
represented by its Director.

: Petitioner

vs.

1.The District Collector,
Collectorate, Sivagangai.

2.The Special Tahsildar,
Land Acquisition National Highways -49.
Unit-II, Manamadurai.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent-District Collector, Sivagangai, to consider the petitioner's representations, dated 09.01.2017 and 04.12.2017 and grant enhancement of compensation for lands acquired from the petitioner by the second respondent for the purpose of expansion of National Highway.

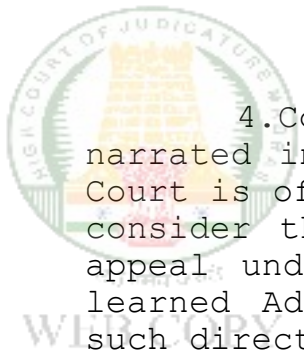
For Petitioner : Mr.Raguvaran Goplan
For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to direct the first respondent to consider the petitioner's representations, dated 09.01.2017 and 04.12.2017 and grant enhancement of compensation for lands acquired from the petitioner by the second respondent for the purpose of expansion of National Highway.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner states that the land belonging to the petitioner was acquired under the National Highways Act and that the second respondent has determined the compensation by passing an award. Challenging the award passed by the second respondent, the petitioner has submitted representation and objection before the District Collector regarding compensation fixed by the second respondent for the lands acquired from the petitioner.



4.Considering the grievance of petitioner and the facts narrated in the affidavit filed in support of this petition, this Court is of the view that the first respondent has to be directed to consider the representation and objection of the petitioner as an appeal under Section 3(G)(5) of the National Highways Act. The learned Additional Government Pleader has no objection in giving such direction.

5.Accordingly, this Writ Petition is allowed and the first respondent is directed to treat the representation and objection of the petitioner as an appeal filed in terms of Section 3(G)(5) of the National Highways Act and dispose of the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. This Court has directed in many cases that the District Collector has to fix compensation in terms of the provision of Act 30 of 2013 strictly following the procedure prescribed under the Act and the guidelines given by Honourable Supreme Court and this Court. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The District Collector,
Collectorate, Sivagangai.

2.The Special Tahsildar,
Land Acquisition National Highways -49.
Unit-II, Manamadurai.

+1 CC to Mr.K.PRABHAKAR, Advocate (SR-6478[F] dated 14/02/2020)
+1 CC to SPL.GP (SR-6588[F] dated 17/02/2020)

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