



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.3996 of 2020

M.Daisy Sornabai

...Petitioner

Vs

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Special Tahsildar,
Land Acquisition (National Highway-47),
Unit-III, Vilavankode,
Kanyakumari District.
- 3.The Project Director,
National Highway Authority of India (NHAI),
Nagercoil,
Kanyakumari District.

(R3 has been impleaded vide
order dated 09.07.2020)in WMP (MD) NO:4622/2020 ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay revised fair compensation for acquiring 8.750 cents (340 square meter) in S.No.219/10B in Kappiyarai Village, Vilavancode Taluk, Kanyakumari District and 11.36 cents (460 square meter) in S.No.856/2B Valvachakostam Village, Vilavancode Taluk, Kanyakumari District on par with the market value by considering representation of the petitioner dated 17/01/2020, within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.C.Herold Singh
For Respondents	: Ms.V.P.M.Vaishnavi Government Advocate

ORDER

This writ petition is filed to direct the respondents to pay revised fair compensation for acquiring the land in S.No.219/10B measuring to an extent of 8.750 cents (340 square meter) situated at Kappiyarai Village, Vilavancode Taluk, Kanyakumari District and the land in S.No.856/2B measuring to an extent of 11.36 cents (460 square meter) situated at Valvachakostam Village, Vilavancode Taluk, Kanyakumari District.

2.Heard the learned counsel appearing for the petitioner and
<https://hcservices.ecourts.gov.in/hcservices/>



the learned Government Advocate appearing for the respondents.

3. According to the petitioner, her lands in S.No.856/2B measuring to an extent of 11.36 cents situated at Valvachakostam Village, Vilavancode Taluk, Kanyakumari District and in S.No.219/10B measuring to an extent of 8.750 cents situated at Kappiyarai Village, Vilavancode Taluk, Kanyakumari District, were acquired on 29.07.2016 by the respondents to lay road by widening the road from Kanyakumari to Thiruvananthapuram viz., Nagercoil-Kavalkinaru.

4. Further, for the said acquisitions, in respect of the property in S.No.856/2B, vide proceedings dated 20.09.2015, an award was passed to the petitioner for a sum of Rs.14,45,363.00/- in Award No.05/2015 and in respect of the property in S.No.219/10B, vide proceedings dated 29.07.2016, an award was passed to the petitioner for a sum of Rs.4,46,604.00/- in Modification Award No.07/2014-15. As against the said awards, the petitioner made an appeal dated 17.01.2020 before the respondents 1 and 2 under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. But, on such appeal no action has been taken by the respondents till date. Hence, the petitioner has filed the present writ petition before this Court for the relief stated supra.

5. The learned Government Advocate appearing for the respondents would submit that the petitioner has already received the award amount issued by the 2nd respondent for acquisition for the petitioner's land in S.Nos.856/2B and 219/10B and she has not approached the concerned authority to file an appeal, within the stipulated time as prescribed under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. Further, she would submit that the petitioner's appeal dated 17.01.2020 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. In reply, the learned counsel appearing for the petitioner would submit that the petitioner has not received any order copy for award from the respondents.

7. Considering the submission made on either side and in agreement with the submission made by the learned Government Advocate, without expressing any opinion on the merits of the case, this Court is inclined to pass the following direction:-

i) The petitioner is directed to submit the additional documents, if she is so advised, within a period of two weeks from today to the 1st respondent.

ii) On receipt of such additional documents, the 1st respondent is directed to consider the petitioner's appeal dated 17.01.2020 and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks therefrom, by



taking note of the period of limitation as stipulated under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, after affording an opportunity of hearing to the petitioner and the 3rd respondent.

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8. This Writ Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Special Tahsildar,
Land Acquisition (National Highway-47),
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KB(21.07.2020) 3P 4C