



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.08.2020

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

W.P. (MD) No.10363 of 2019

Dr.J.Arunkumar

...Petitioner

Vs

1.The District Collector cum Arbitrator,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer cum
Authorized Competent Authority,
National Highways 45-C,
Vikravandi - Kumbakonam,
Thanjavur Division,
Thiruvarur.

...Respondents

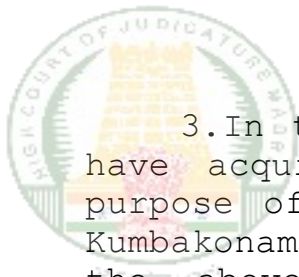
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner's representation dated 24.09.2018 for payment of enhanced compensation as per Section 3-G(5) of National Highways Act to the petitioner within the time stipulated.

For Petitioner	: Mr.K.M.Karunakaran
For Respondents	: Mrs.V.P.M.Vaishnavi Government Advocate

ORDER

This Writ Petition is filed to direct the first respondent to dispose of the petitioner's representation dated 24.09.2018 for payment of enhanced compensation, as per Section 3-G(5) of National Highways Act, to the petitioner within the stipulated time.

2.Heard Mr.K.M.Karunakaran learned counsel appearing for the petitioner and Mrs.V.P.M.Vaishnavi, learned Government Advocate appearing for the respondents.



3.In the affidavit, it has been averred that the respondents have acquired the petitioner's lands and other lands for the purpose of formation of a ring road in N.H.No.45-C Vikravandi - Kumbakonam, Thanjavur Division. In order to acquire the lands for the above said purpose, the respondents issued preliminary notification under Section 3(A)(1) on 01.03.2018 in the Government Gazettes of India and the same has been advertised in the Tamil dailies viz., Dinamani and New Indian Express on 03.03.2018. Thereafter, the respondents issued notification on 03.05.2018 under Section 3(D)(1) in the Government Gazette of India Vide No.1616 S.O.No.1798(E) and the same has been published in the Tamil dailies, for raising objections by the public. Pursuant to which, the second respondent has fixed the market value of the lands, which are proposed for acquisition vide his proceedings in Na.Ka.No.1227/2017/A/NH//Thiruvarur dated 31.05.2018. Thereafter, the second respondent has passed an award, which is highly meager and illegal and not in commensurate with the market value prevailing in respect of the lands and flats. In this regard, the petitioner has sent a representation dated 24.09.2018 to the first respondent. Since no action has been taken, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner submitted that the petitioner has preferred an appeal for enhancement of compensation under Section 3-G(5) of the National Highways Act, before the first respondent, within the prescribed time.

5.The learned Government Advocate appearing for the respondents submitted that the petitioner has preferred an appeal in Appeal No.43 of 2018 and the same is still pending before the first respondent for consideration.

6.Considering the submissions made on either side, this Court is inclined to direct the first respondent to consider the Appeal No.43 of 2018 dated 24.09.2018 and pass orders on its own merit and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector cum Arbitrator,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer cum
Authorized Competent Authority,
National Highways 45-C,
Vikravandi - Kumbakonam,
Thanjavur Division,
Thiruvarur.

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.

W.P. (MD) No.10363 of 2019
27.08.2020

SRK(CO)
TR(15.09.2020) 3P 3C