



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.11936 of 2020

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P.S.Hassan Pillai

... Petitioner

Vs.

1.The Competent Authority and the Special District
Revenue Officer,
(Land Acquisition - National Highways), Tirunelveli,
Now Observatory Street, Opp. To Collectorate,
K.P.Road,
Nagercoil - 629 001.

2.The Arbitrator under the National Highways Act,
The District Collector, Kanyakumari District,
Collectorate,
Nagercoil - 629 001.

3.The National Highways Authority of India,
Rep. By the Project Director,
National Highways Authority of India,
Tirunelveli, Now at Golden Nagar,
K.P.Road,
Nagercoil - 629 001.

... Respondents

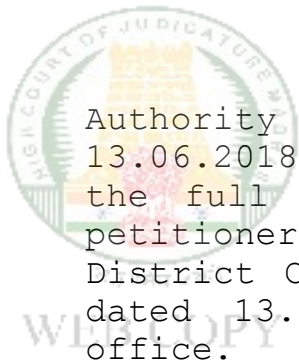
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent / Competent Authority to consider the representation of the petitioner dated 13.06.2018 and the reminder letter dated 14.05.2020 and grant to the petitioner the full revised award passed by the first respondent, based on the proceedings of the second respondent, District Collector, Kanyakumari District, in Na.Ka.No.U2/136/2015 dated 13.06.2017 with enclosures, signature and seal of his office, within such time as may be directed by the Court.

For Petitioner	: Mr.M.P.Senthil
For RR 1 & 2	: Mrs.V.P.M.Vaishnavi Government Advocate
For R - 3	: Mr.Su.Srinivasan Standing Counsel for NHAI

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the first respondent / Competent Authority to consider the representation of the petitioner dated 13.06.2018 and the reminder letter dated 14.05.2020 and grant to the petitioner the full revised award passed by the first respondent, based on the proceedings of the second respondent, District Collector, Kanyakumari District, in Na.Ka.No.U2/136/2015 dated 13.06.2017 with enclosures, signature and seal of his office, within such time as may be directed by the Court.

<https://hcservices.courts.gov.in/hcservices>



Authority to consider the representation of the petitioner, dated 13.06.2018 and the reminder letter dated 14.05.2020 and to grant the full revised award passed by the first respondent to the petitioner, based on the proceedings of the second respondent, District Collector, Kanyakumari District, in Na.Ka.No.U2/136/2015 dated 13.06.2017 with enclosures, signature and seal of his office.

2. According to the petitioner, the lands comprised in Survey Nos.19/8B, 19/11B and 19/12 of Aloor Village, Kalkulam Taluk, Kanyakumari District, were jointly owned by the petitioner and one P.K.Abdul Salam and the same had been acquired for the National Highways NH 47 for laying four lane between Kerala - Tamil Nadu border to Kanyakumari District. The first respondent / Competent Authority and Special District Revenue Officer (LA & NH), vide proceedings in Roc.No.J4/07/2010/Modification Award No.4/2012-9, dated 03.04.2016, had fixed a sum of Rs.79.09 per sq.mt and fixed the compensation amount for the acquired land and the petitioner is entitled for half share of the compensation amount. The petitioner, being unsatisfied with the said compensation, has preferred an appeal before the second respondent / the Arbitrator and the said application was entertained by the second respondent. The second respondent / the Arbitrator passed an Arbitration Award in Na.Ka.No.U2/2015, dated 13.06.2017. Since the copy of the arbitration award was not served to the petitioner, he has filed an application under the Right to Information Act, to serve the copy of the arbitration award dated 13.06.2017 and the copy of the said arbitration award was received by the petitioner on 25.06.2018. In the said arbitration award, the second respondent directed the first respondent / Competent Authority to re-determine the compensation, based on the guideline value of the land as on 01.04.2012. The first respondent / Competent Authority has re-fixed the compensation amount to the petitioner and the same was deposited, but the petitioner was not aware of the actual deposited amount. Hence, the petitioner has sent a representation dated 14.05.2020 to the respondents to grant the full revised award passed by the first respondent, based on the order passed by the second respondent. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3. According to the learned counsel appearing for the petitioner, even though the petitioner has questioned the award passed by the second respondent and pursuant to the said order, the first respondent has re-determined the compensation and fixed the value for the acquired land, the petitioner is not challenging the award passed by the first respondent.

4. The grievance of the petitioner is that pursuant to the



award passed by the first respondent, where the second respondent has re-fixed the value of the property, no particulars have been furnished to the petitioner. Since the copy of the subsequent proceedings has not been furnished to the petitioner, he is not in a position to know the actual re-fixation of compensation amount paid to him. Hence, the learned counsel appearing for the petitioner submitted that it is suffice, if a direction is issued to the first respondent to consider the petitioner's representation dated 14.05.2020 seeking to furnish the copy of the proceedings of the first respondent, pursuant to the order passed by the second respondent, dated 13.06.2017.

5.To that extent, the learned Government Advocate appearing for the respondents 1 and 2 submitted that the representation of the petitioner dated 14.05.2020 will be considered and the first respondent will furnish the copy of the proceedings within a reasonable time.

6.The learned Standing Counsel appearing for the third respondent submitted that if the copy of the subsequent proceedings is not served to the petitioner, the representation of the petitioner dated 14.05.2020 will be considered, in accordance with law.

7.Considering the submissions made by the learned counsel appearing on either side as well as the prayer sought for in the Writ Petition, this Court directs the first respondent to consider the representation of the petitioner dated 14.05.2020 seeking to furnish the copy of the proceedings of the Special District Revenue Officer by re-fixing the compensation amount for the petitioner, pursuant to the order passed by the second respondent, dated 13.06.2017, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if the copy of the proceedings has already been served to the petitioner, the said details have also to be informed to the petitioner by the first respondent.

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

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar (CS)



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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.

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To

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2.The Arbitrator under the National Highways Act,
The District Collector, Kanyakumari District,
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+1 CC to Mr.SU.SRINIVASAN, Advocate (SR-17908[F] dated 24/09/2020)

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-17892[F] dated 23/09/2020)

Order made in
W.P.(MD)No.11936 of 2020
Dated:
22.09.2020

KMV (CO)
KM (12.10.2020) 4P 5C