



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8802 of 2019

K.Sabarimuthu

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition - National Highways),
D.No.567, A.P.J.Abdulkalam Street,
Chennamanaickanpatti,
Dindigul.

3.The Tahsildar,
Taluk Office,
Dindigul West Taluk,
Dindigul.

4.The Project Director,
National Highways of India,
Dindigul.

... Respondents

(R - 4 is *suo motu* impleaded vide
order dated 12.04.2019.)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to allot the alternative land in Survey No.379/3C (Government poramboke land) at Palakkanoothu Village, Dindigul West Taluk, Dindigul District to the petitioner for acquiring the petitioner's land in Survey No.360/32 for the purpose of laying NH-209 / Dindigul - Palani Section, on the basis of the petitioner's representation dated 07.03.2019 within the time frame fixed by this Court.

For Petitioner : Mr.K.Asok Kumar Ram

For RR 1 to 3 : Mr.M.Rajarajan
Additional Government Pleader

For R - 4 : Mr.C.Arul Vadivel @ Sekar
Standing Counsel

**ORDER**

According to the petitioner, he sent a representation dated 07.03.2019, to the respondents seeking to allot the alternative land in Survey No.379/3C (Government poramboke land) at Palakkanoothu Village, Dindigul West Taluk, Dindigul District to the petitioner for acquiring the petitioner's land in Survey No.360/32 for the purpose of laying NH-209 / Dindigul - Palani Section.

2. Based on the counter-affidavit filed by the fourth respondent, the learned Standing Counsel appearing for the fourth respondent submitted that as per the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015, dated 28.08.2015 only the entitlements/heads of compensation and processes pertaining to determination of quantum of actual compensation for individual land owners have been made applicable to acquisition of land under the National Highways Act, 1956 and there is no provision in both the Acts to allot alternative land to the land owners.

3. So far, no counter-affidavit has been filed by the second respondent.

4. Recording the submission made by the learned Standing Counsel for the fourth respondent, the writ petitioner has no legal ground seeking for alternative site, however, by considering the request of the petitioner on equity, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 07.03.2019 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and other interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

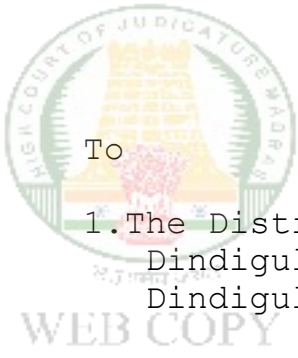
/ /2020

Sub Assistant Registrar(CS)

ps

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 /

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



To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition - National Highways),
D.No.567, A.P.J.Abdulkalam Street,
Chennamanaickanpatti,
Dindigul.
- 3.The Tahsildar,
Taluk Office,
Dindigul West Taluk,
Dindigul.
- 4.The Project Director,
National Highways of India,
Dindigul.

+1 CC to M/s.GP (SR-15913[F] dated 04/09/2020)

Order made in
W.P. (MD) No.8802 of 2019
Dated:
03.09.2020

AP(14/09/2020) 3P 6C