



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.14335 of 2020

WEB COPY

R.Mookammal

... Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Competent Authority & District
Revenue Officer,
(Land Acquisition) NH-785,
Madurai District,
Madurai.

3.The Project Director,
National Highways Authority of India,
3, Surya Towers, II Floor,
East First Street,
K.K.Nagar,
Madurai-20.

4.The Thasildar,
(Land Acquisition) NH-785,
Madurai North Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application of appeal dated 28.02.2019 and the petitioner's reminder representation dated 26.12.2019 and dispose the same within the time frame fixed by this Court by affording reasonable opportunity to the petitioner and also disburse the adequate compensation for the land in Survey No.24/1A1 measuring to an extent of 1250 Sq. meter and Survey No.55/2A to an extent of 233 Sq. meter situated at Manthikulam Village, Madurai North Taluk, Madurai District.

For Petitioner	:	Mr.V.Sukumar
For Respondents	:	Ms.V.P.M.Vaishnavi
		Government Advocate
		for R1, R2 and R4
		Mr.Su.Srinivasan
		Central Government Standing Counsel
		for R3



ORDER

The petitioner has come forward with this Writ Petition to direct the respondents to consider the petitioner's application of appeal dated 28.02.2019 and the petitioner's reminder representation dated 26.12.2019 and dispose the same within the time frame fixed by this Court by affording reasonable opportunity to the petitioner and also disburse the adequate compensation for the land in Survey No.24/1A1 measuring to an extent of 1250 Sq. meter and Survey No.55/2A to an extent of 233 Sq. meter situated at Manthikulam Village, Madurai North Taluk, Madurai District.

2. The case of the petitioner is that the petitioner owned a land in Survey No.24/1A1 to an extent of 1250 Sq. meter and in Survey No.55/2A to an extent of 233 Sq. meter, situated at Manthikulam Village, Madurai North Taluk, Madurai District in Patta No.153 in his name. The respondent authorities acquired the above said land for the purpose of widening the road and establishing four ways road between Madurai-Natham. Since the respondent authorities failed to take into note of Well, Trees, Construction, market value, average sale price for similar type of land other necessary criteria, the petitioner made an objection before the fourth respondent to consider the said aspects before passing of the final order. Hence, the fourth respondent issued a communication to the third respondent dated 30.11.2018 directing the third respondent to consider the said issues. Thereafter, the respondents 2 to 4 arbitrarily passed order and fixed the compensation, vide order dated 25.04.2019 by fixing a sum of Rs.16,96,938/- as compensation for the above said lands. The said compensation is lesser than the market value and lesser than the compensation provided to the neighbouring land owners. Challenging the said order dated 25.04.2019, the petitioner preferred an appeal on 28.02.2019 under Section 3(G)(5) of the National High Ways Act before the first respondent. But, the same was not considered so far and no orders are passed by the first respondent. In such circumstances, the petitioner has come forward with the present Writ Petition.

3. Learned counsel for the petitioner would submit that it would suffice, if the appeal application of the petitioner dated 28.02.2019 is disposed of by the first respondent at the earliest.

4. Learned Government Advocate appearing for the first respondent would submit that the first respondent is prepared to consider the appeal application of the petitioner and to pass suitable orders on the same.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the appeal application dated 28.02.2019, filed by the petitioner and to



pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order, preferably on or before 28.02.2021, if there is no legal impediment to do so.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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.

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Competent Authority & District Revenue Officer,
(Land Acquisition) NH-785, Madurai District, Madurai.
- 3.The Project Director, National Highways Authority of India,
3, Surya Towers, II Floor,
East First Street,
K.K.Nagar, Madurai-20.
- 4.The Thasildar,
(Land Acquisition) NH-785,
Madurai North Taluk,
Madurai District.

W.P. (MD) No.14335 of 2020
14.10.2020

CK (CO)

AP (09/11/2020) 3P 5C