



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.16106 of 2020

WEB COPY

A.Rohini Kumar

... Petitioner

Vs.

1.The Secretary,
Ministry of Transport and Highways,
Government of India,
New Delhi.

2.The Project Director,
National Highways Authority of India,
Tirunelveli at Nagercoil.

3.The Arbitrator and the District Collector,
Kanniyakumari District,
Nagercoil.

4.The Competent Authority of Land Acquisition (CALA)-cum-
The Special District Revenue Officer (Land Acquisition),
National Highways, Tirunelveli,
Observatory Street, Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to pass order of revised arbitral enhanced award to the petitioner with appropriate solatium by fixing appropriate market value by following Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and with the clarification letter by the first respondent dated 08.08.2016 and as per the petitioner's representation dated 12.03.2020.

For Petitioner	:	Mr.K.K.Kannan
For Respondents	:	Mr.Arulvadivel @ Sekar
1 and 2		Standing Counsel
For Respondents	:	Mr.K.P.Krishnadoss
3 and 4		Special Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the third respondent to pass order of revised arbitral enhanced award to the petitioner with appropriate solatium by fixing appropriate market value by following Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and with the clarification letter by the



first respondent dated 08.08.2016 and as per the petitioner's representation dated 12.03.2020.

2. Heard the learned Counsel appearing for the petitioner, Mr. Arulvadivel @ Sekar, learned Standing Counsel, who took notice for the respondents 1 and 2 and Mr. K.P. Krishnadoss, learned Special Government Pleader, who took notice for the respondents 3 and 4. By consent, the Writ Petition is disposed of at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that the petitioner's property in R.S.No.22/6 situated at Therekalputhoor Village, Agastheeswaram Taluk, Kanyakumari District, was acquired by National Highways Authority of India to widen NH47B in the year 2010. However, the respondents have not given any award as stipulated under Section 19 of the National Highways Act. The petitioner, after losing in all his attempts in the legal battle, had made a representation before the fourth respondent and a sum of Rs.6,80,490/ was awarded as compensation. Aggrieved by the same, the petitioner made a representation on 12.03.2020 before the third respondent seeking enhancement of compensation based on the clarification letter issued by the first respondent dated 08.08.2016. Since there was no response from the third respondent so far, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 12.03.2020 is disposed of by the third respondent at the earliest.

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 third respondent to consider the representation dated 12.03.2020, submitted by the petitioner and to pass appropriate orders thereon in accordance with law within a period of 120 days from the date of receipt of a copy of this order, 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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

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



To

- 1.The Secretary,
Ministry of Transport and Highways,
Government of India,
New Delhi.
- 2.The Project Director,
National Highways Authority of India,
Tirunelveli at Nagercoil.
- 3.The Arbitrator and the District Collector,
Kanniyakumari District,
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- 4.The Competent Authority of Land Acquisition (CALA)-cum-
The Special District Revenue Officer (Land Acquisition),
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Observatory Street, Nagercoil.

+1 CC to M/s.GP (SR-22204[F] dated 19/11/2020)

+1 CC to M/s.K.K..KANNAN, Advocate (SR-22268[F] dated 20/11/2020)

W.P. (MD)No.16106 of 2020
18.11.2020

KG(CO)
AP(14/12/2020) 3P 7C