



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.26019 of 2019

A.Sundaraj

...Petitioner

Vs

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The District Revenue Officer,
Land Acquisition National Highways
Observatory Street, Nagercoil.

3.The Project Director cum DGM(Tech)
No.314E, K.P.Road, Near Ayappan Kovil,
Parvathipuram, Nagercoil-629 003,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay the enhanced compensation to the petitioner as per the order dated 20.05.2019 by pass orders on the representation dated 07.11.2019.

For Petitioner : Mr.G.Justin

For R1 & R2 : Mrs.V.P.M.Vaishnavi
Government Advocate

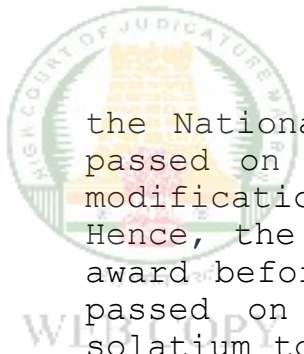
For R3 : Mr.Su.Srinivasan
Central Government Standing Counsel

ORDER

This Writ Petition is filed to direct the first respondent to pay the enhanced compensation to the petitioner as per the order dated 20.05.2019 by pass orders on the representation dated 07.11.2019.

2.Heard Mr.G.Justin learned counsel appearing for the petitioner, Mrs.V.P.M.Vaishnavi, learned Government Advocate appearing for the first and second respondents and Mr.Su.Srinivasan, learned Central Government Standing Counsel appearing for the third respondent.

3.The case of the petitioner is that he is the owner of the land in Survey No.101/12B measuring an extent of 32.750 cents and the said land was acquired for National Highways No.47 between Kerala and Tamil Nadu Border. Thereafter, land acquisition proceeding was initiated by the Government as per the provisions of



the National Highways Act, 1956 and after due enquiries, award was passed on 27.10.2014 and thereafter, the second respondent passed modification award by fixing low compensation to the petitioner. Hence, the petitioner filed an appeal against the said modification award before the first respondent. Pursuant to which, an order was passed on 20.05.2019 enhancing the compensation by fixing 100% solatium to the land as well as structure and trees. Thereafter, the petitioner has made a representation dated 07.11.2019 to the respondents to pay the enhanced compensation as per the order dated 20.05.2019. Since no order has been passed, the present writ petition is filed.

4.The learned counsel appearing for the petitioner submitted that the first respondent has passed an order to enhance the compensation amount on 20.05.2019, but the said amount has not been paid to the petitioner so far. In this regard, the petitioner has made a representation dated 07.11.2019 to the respondents to pay the enhanced compensation amount and the same is pending. Hence, he prays the aforesaid relief in the writ petition.

5.The learned Central Government Standing Counsel appearing for the third respondent has filed a counter affidavit and submitted that due to huge financial impact, the respondents have taken up the matter with the Regional Office, NHAI, Chennai, seeking approval for payment. On receipt of the necessary instructions from the approval authority, immediately necessary steps would be taken for payment of the enhanced compensation, as awarded by the first respondent. Therefore, the third respondent seeks time to pay the enhanced compensation amount to the petitioner.

6.In view of the submissions made on either side, this Court directs the third respondent to pay the enhanced compensation award amount to the petitioner within a period of three months from the date of receipt of a copy of this order. If there is any default on the part of the third respondent, the third respondent is directed to pay 6% interest per annum for the delayed period.

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)



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,
Kanyakumari District,
Nagercoil.

2.The District Revenue Officer,
Land Acquisition National Highways
Observatory Street,
Nagercoil.

3.The Project Director cum DGM(Tech)
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil-629 003,
Kanyakumari District.

+1 CC to M/s.SU. SRINIVASAN, Advocate (SR-15185[F] dated 28/08/2020)

+1 CC to M/s.Special Govt.Pleader (SR-15305[F] dated 28/08/2020)

W.P. (MD) No.26019 of 2019
27.08.2020

Ns

SDS (02.09.2020) 3P-6C