



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No.22440 of 2021

1.Palanisamy

2.C.Selvaraj

.. Petitioners

Versus

1. The District Collector cum Arbitrator,
Palladam Road,
Thiruppur District.

2. The Competent Authority
and Special District Revenue Officer,
(Land Acquisition)
National Highways 47 & 67,
Coimbatore.

3. The Project Officer,
National Highways Authority of India,
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to disburse the statutory entitlement namely 30% solatium with interest till the day of payment, in the light of judgment of Hon'ble Supreme Court of India in the matter of Union of India and Another Vs Tarsem Singh and others, in Civil Appeal No.7064 of 2019 by considering petitioners representation dated 03.11.2020 within time framed manner.

For Petitioners : Mr.K.Sudhakar

For Respondents 1& 2 : Mr.V.Veluchamy
Government Advocate

For Respondent 3 : Mr.Su.Srinivasan
Standing Counsel



O R D E R

This writ petition is filed for the issuance of a writ of mandamus directing the respondents to disburse the statutory entitlement namely 30% solatium with interest till the day of payment, in the light of judgment of Hon'ble Supreme Court of India in the matter of Union of India and Another Vs Tarsem Singh and others, in Civil Appeal No.7064 of 2019 by considering petitioners representation dated 03.11.2020.

2. The petitioners are the brothers. It is stated that the petitioners are doing agriculture. The case of the petitioners is that the second and third respondent have acquired the lands of the petitioner for formation and widening four/six laning of roads on NH No.47 from 102-035 Km. to 183-060 Km. in Chengapalli to Walayar Section through Thekkalur Village, Avinashi Taluk, Tiruppur District, and compensation was paid. It is stated that the second respondent acquired 45.5 sq.m. of land in Survey No.550/6 and awarded Rs.2,83,443/- as compensation to each of the petitioners. The petitioners filed an appeal before the first respondent in the year 2011 seeking enhancement of compensation. It is stated that the petitioners were not called for enquiry and the same was pending as file Na.Ka.No.8661/2009/001. Hence, the petitioners sent a representation on 03.11.2020 to the first respondent stating that they are entitled to 30% solatium under Section 23(2) of the Land Acquisition Act. Moreover, Section 3(j) of National Highway Act Struck down. Since, there was inaction on the part of the respondents, the petitioner filed this writ petition.

3. Learned counsel for the petitioners submitted that the respondents have acquired the petitioners' land for the purpose of formation and widening four/six lane roads. He further submitted that it is the duty of the respondents to pay statutory entitlement but the respondents failed to do the same. He also referred to a judgment of the Hon'ble Supreme Court in the case of Union of India Vs. Tarsem Singh and others, in Civil Appeal No.7064 of 2019, in support of his contention.

4. Learned Government Advocate appearing for the respondents submitted that the this Court may direct the respondent to consider the petitioners' representation dated 03.11.2020 and the same may be considered by the respondents.

5. Without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 03.11.2020, and dispose of the same on the basis of the judgment of Hon'ble Supreme Court in the case of Union of India Vs. Tarsem Singh and others, in Civil Appeal No.7064 of 2019, after affording an opportunity to all the



parties of being heard, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Collector cum Arbitrator,
Palladam Road,
Thiruppur District.
2. The Competent Authority
and Special District Revenue Officer,
(Land Acquisition)
National Highways 47 & 67,
Coimbatore.
3. The Project Officer,
National Highways Authority of India,
Coimbatore.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.54311

+1cc to Mr.SU.Srinivasan, Advocate, S.R.No.54095

+1cc to the Government Pleader, S.R.No.55093

W.P. No.22440 of 2021

PL(CO)
SU(10/02/2022)