



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.7989 of 2021
(Through Video Conference)

1) K.Palanisamy

2) V.Jamunarani

... Petitioners

Vs.

1) The District Collector,
Office of the District Collector,
Collectorate Post- 624 004, Dindigul.

2) The Special District Revenue Officer,
(Land Acquisition),
O/o Special Revenue Officer,
M/s.National Highways Authority of India,
No.567, APJ Abdul Kalam Street,
Chennamanaikanpatty,
Collectorate Post, Dindigul 624 004

3) The Chairman,
M/s.National Highways Authority of India,
G5th & G6th Sector - 10, Dwarka.
New Delhi 100 075

4) The Project Director,
NH 07 & 209 Project Implementation Unit,
M/s.National Highways Authority of India,
Chennamanaikanpatty,
Collectorate Post, Dindigul 624 004

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to enhance and fix fair award of compensation for the punja lands acquired by the 2nd respondent dated 16.05.2018 for the purpose of widening the National Highways Road of Nos.07 and 209 and its extension at Sirankadu Village, Dindigul West Taluk, Dindigul District comprising in Punja Survey No.56 consisting to the extent of 8188 square meters by taking into consideration of the market value of around Rs.900/- to Rs.1000/- by considering the petitioners' representation sent to the 1st respondent dated 11.03.2021 within the time frame as may be stipulated by this Court.

For Petitioner : Mr.L.Prabhu
For RR 1, 2 & 4 : Mr.K.P.Krishnadoss,
Special Government Pleader
For R-3 : Mr.Arul Vadivel @ Sekar



O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 11.03.2021 and to pass orders enhancing the compensation.

2. The property belonging to the petitioner was acquired on the requisition made by the National Highways Authority of India. The second respondent through proceedings dated 23.03.2020 has also fixed the compensation by passing an Award and a sum of Rs.1,28,03,515/- was fixed as the compensation. It is brought to the notice of this Court that the petitioner has also received this amount.

3. The petitioner has now approached this Court on the ground that he is entitled for 30% solatium and 12% interest and for the said purpose, the petitioner has relied upon the earlier orders passed by this Court.

4. The learned standing counsel appearing on behalf of the National Highways Authority of India submitted that the compensation has been fixed in the present case under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and therefore the petitioner has been given 100% solatium. The learned counsel submitted that if at all the petitioner is aggrieved by the compensation fixed by the second respondent, he can only work out his remedy under 3 G (5) of the National Highways Act before the first respondent. It was also brought to the notice of this Court that the petitioners have already filed an Appeal before the first respondent and the same has been entertained by the first respondent in Roc No.7172/2021-22/ES in Appeal Petition No.23 dated 22.03.2021.

5. The learned counsel for the petitioners submitted that the petitioners must be permitted to raise all the grounds before the first respondent during the proceedings.

6. Heard Mr.L.Prabhu, learned counsel for the petitioners, Mr.K.P.Krishnadoss, learned Special Government Pleader for respondents 1, 2 and 4 and Mr.Arul Vadivel @ Sekar, learned counsel for the third respondent.

7. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioners have already received their entire compensation and not being satisfied with the same, have also proceeded further under Section 3 G (5) of the Act before the first respondent, there shall be a direction to the first respondent to conduct the proceedings, after giving an opportunity to the petitioner and the National Highways Authority of



India and pass final orders within a period of four months from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs.

WEB COPY

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

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:

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Chennamanaikanpatty,
Collectorate Post, Dindigul 624 004

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-17608[F] dated 27/04/2021)

+1 CC to M/s.L.PRABHU, Advocate (SR-17685[F] dated 27/04/2021)

W.P. (MD) No.7989 of 2021
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KB(16.06.2021) 3P 6C