



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8603 of 2021

A.Habib Rahman

... Petitioner

Vs.

1.The Special District Revenue Officer,
(Land Acquisition),
National Highways N.H.45C,
(Vikravandi-Kumbakonam Thanjavur Brivu)
No.12, Tamil Nagar,
Vilamal,
Thiruvarur District.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

4.The Special Tahsildar,
(Land Acquisition)
National Highways N.H.45C,
(Unit - II),
Kumbakonam,
Thanjavur District.

5.The Authorized Officer cum
the Special District Revenue Officer,
National Highway N.H-45,
Vikravandi,
Kumbakonam, Thanjavur,
No.12, Tamil Nagar,
Vilamal, Thiruvarur.

... Respondents

(R5 suo mottu added vide order, dated 27.04.2021, in W.P.(MD).
No.8603/2021)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to give Additional Compensation for acquiring the

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petitioner's plots in R.S.No.217/2, 217/3, 217/4B and R.S.No.217/4C, situated at Sholapuram Village, Kumbakonam Taluk, Thanjavur District for extension of National Highways in NH 45C based on the petitioner's representation, dated 29.01.2020.

For Petitioner : Mr.G.Gomathi Sankar
For Respondent : Mr.M.Rajarajan for R1 to R4
Additional Government Pleader
Mr.Arul Vadivel @ Sekar for R5

ORDER

The Authorized Officer cum the Special District Revenue Officer, National Highway N.H-45, Vikravandi, Kumbakonam, Thanjavur, No.12, Tamil Nagar, Vilamal, Thiruvarur. is *suo motu* added as the fifth respondent in this writ petition.

2.This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 29.01.2020, wherein, the petitioner has sought for the enhancement of compensation.

3.Heard Mr.G.Gomathi Sankar, learned counsel for the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader for the respondents 1 to 4 and Mr.Arul vadivel @ Sekar, learned Standing counsel for the 5th respondent.

4.The case of the petitioner is that his property was acquired on the requisition made by the impleaded 5th respondent. Subsequently, the first respondent proceeded to fix the compensation payable to the petitioner and an award was passed in this regard, on 30.11.2015. The petitioner was not satisfied with the compensation that was fixed and hence, the petitioner made a representation before the 1st and 2nd respondents, seeking for enhancement of compensation. Since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Taking into consideration the facts and circumstances of this case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner, on 29.01.2020, and act upon the same by virtue of Section 3 G (5) of the National Highways Act, after affording opportunity to the petitioner and the impleaded 5th respondent and pass final orders, within a period of four months from the date of receipt of a copy of this order.

6.The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.



7.This writ petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

TM

To

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(Land Acquisition),
National Highways N.H.45C,
(Vikravandi-Kumbakonam Thanjavur Brivu)
No.12, Tamil Nagar,
Vilamal,
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(Land Acquisition)
National Highways N.H.45C,
(Unit - II),
Kumbakonam,
Thanjavur District.

5.The Authorized Officer cum
the Special District Revenue Officer,
National Highway N.H-45,
Vikravandi,
Kumbakonam, Thanjavur,
No.12, Tamil Nagar,
Vilamal, Thiruvarur.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-17617[F] dated
27/04/2021)

W.P. (MD) .No.8603 of 2021
27.04.2021

KB(25.06.2021) 3P 7C

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