



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10360 of 2021

and

W.M.P (MD) .No.8034 of 2021

S.Udhaya Marthandan

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
St.George Fort,
Chennai 600 009.

2.The District Collector,
District Collector Office,
Dindigul District.

3.The Land Acquisition Officer Cum
District Revenue Officer,
Dindigul District.

4.The Special District Revenue Officer (LA-NH),
Dindigul District.

5.The National Highways Authority of India Limited,
rep. By Project Director, Dindigul.

...Respondents

(5th respondent is suo motu impleaded as 5th respondent in the present writ petition by order, dated 21.06.2021 made in W.P.(MD). No.10360 of 2021)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.10.2018 within stipulated time fixed by this Court.

For Petitioner : Ms.R.Saranya

For R1 to R4 : Mr.M.Lingadurai
Government Advocate



For R5

: Mr.Su.Srinivasan
Standing Government Counsel

ORDER

The National Highways Authority of India Limited, rep. By Project Director, Dindigul is suo motu added as the 5th respondent in this writ petition.

2.The case of the petitioner is that acquisition proceedings were initiated under the National Highways Act, 1956 and the property belonging to the petitioner in S.F.No.578/1A, to an extent of 6650 sq. meter was acquired for the impleaded 5th respondent. Thereafter, the 4th respondent commenced proceedings for determination of the compensation payable to the land owners and an award came to be passed, on 30.01.2020.

3.The petitioner was aggrieved by the compensation fixed by the 4th respondent and hence, made an application before the second respondent seeking for enhancement of compensation under Section 3 - G (5) of the National Highways Act.

4.The grievance of the petitioner is that the second respondent instead of conducting the enquiry as stipulated under the Act, gave a direction to the 4th respondent to take action and report before the second respondent. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Heard Ms.R.Saranya, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents 1 to 4 and Mr.Su.Srinivasan, learned Standing Counsel appearing for the 5th respondent.

6.Taking into consideration the facts and circumstances of the case and also of the fact that it is only the second respondent, who has been vested with the power under Section 3-G(5) of the National Highways Act, wherein, the second respondent is expected to conduct the arbitration and determine the compensation, there shall be a direction to the second respondent to consider the representation made by the petitioner on 24.11.2020 and deal with the same on its own merits and in accordance with law and pass orders, within a period of four months from the date of receipt of a copy of this order. The second respondent shall issue notice to the impleaded 5th respondent before conducting the enquiry and passing final orders.

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



8.This writ petition is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Secretary,
Government of Tamil Nadu,
Revenue Department,
St.George Fort, Chennai 600 009
- 2.The District Collector
District Collector Office, Dindigul District
- 3.The Land Acquisition Officer Cum
District Revenue Officer,Dindigul District
- 4.The Special District Revenue Officer (LA-NH)
Dindigul District
- 5.The Project Director,
National Highways Authority of India Limited,
Dindigul.

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-19718[F] dated 21/06/2021)

+1 CC to M/s.R.SARANYA, Advocate (SR-19872[F] dated 22/06/2021)

+1 CC to M/s.SPL GP (SR-19913[F] dated 22/06/2021)

Order made in

W.P. (MD) .No.10360 of 2021

21.06.2021

SJ(CO)

TR(08.07.2021) 3P 9C