



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 1778 of 2022

and

W.M.P. No. 1937 of 2022

1. Raja
2. Mani
3. Gansan
4. Cinnadurai
5. Sadasivam
6. Appusamy
7. Sivakumar
8. Saraswathi
9. Dhanapal
10. Chidambaram
11. Angappan
12. Cinna Thangam
13. Vijakumar
14. Kalai Selvi
15. Rajammal
16. Mani

...Petitioner

Vs.

1. The Competent Authority and
Special District Revenue Officer
(Land Acquisition)
National Highways-68
Villupuram
Holding Additional Charge of
The Competent Authority
and Special District Revenue Officer
(Land Acquisition)
National Highways - 68
Salem.
2. The Project Officer
National Highways Authority of India-68
Salem.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent 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 22.12.2021 within time framed manner.

For Petitioner :Mr. K.Sudhakar
For Respondents :Mrs. D.Tamil Selvi (For R1)
Additional Government Pleader
Mr. Su.Srinivasan (For R2)
For NHAI

O R D E R

By consent of both parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. Heard Mr. K.Sudhakar, Learned Counsel for the Petitioner and Mrs. D.Tamil Selvi, Learned Additional Government Pleader, who takes notice on behalf of the First Respondent and Mr. Su.Srinivasan, Learned Counsel who takes notice on behalf of the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

3. The Petitioners are owners of various lands situated at Erumalapalayam Village, Salem District and the same had been acquired for formation and widening of road on NH-68 by the National Highways Authority, for which compensation amount was also received by way of cheques as per Section 3D from the concerned Officials by the Petitioners. Moreover, the Petitioners have made a representation dated 22.12.2021 requesting the Respondents to make statutory entitlement of solatium and additional amount with interest. However, there is no response from the Respondents, which compelled the Petitioners to come before this Court by way of filing this Writ Petition.

4. The Learned Counsel appearing for the Respondents fairly submitted that the Respondents would consider the representation of the petitioner and pass orders, on merits, within a reasonable time to be fixed by this Court.



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5. Considering the facts and circumstances of the case and also based on the submissions made by the Learned Counsel for both sides, this Court does not propose to go into the merits of the contention of the representation of the Petitioners. Without going into the merits of the matter, the Respondents are directed to consider the representation of the Petitioners and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Rli

To

1. The Competent Authority and
Special District Revenue Officer
(Land Acquisition)
National Highways-68
Villupuram
Holding Additional Charge of
The Competent Authority
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National Highways - 68
Salem.
2. The Project Officer
National Highways Authority of India-68
Salem.

+1 CC to Mr.K. Sudhakar, Advocate sr 7818
+1 CC to The Government Pleader sr 8360

W.P. No. 1778 of 2022

PMK (CO)
SP(18/02/2022)