



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3113 of 2022

D.Chinnadurai

... Petitioner

Vs.

1. The District Collector/ Arbitrator,
Cuddalore District, Cuddalore.
2. The Competent Authority/
Special District Revenue Officer (L.A),
National Highways - 45-A and 227,
Cuddalore, Cuddalore District.
3. The Special Tahsildar,
(L.A) N.H.227, Kattumannarkoil,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the Statutory Appeal filed U/S.3(G)(5) of National Highways Act, 1956 r/w. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013) by the petitioner on 18.09.2021 within a stipulated time fixed by this Court.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the Statutory Appeal filed U/S.3(G)(5) of the National Highways Act, 1956 read with Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013) by the petitioner on 18.09.2021, within a stipulated time that may be fixed by this Court.



2. The case of the petitioner is that, he is the owner of the Patta lands situated in S.Nos.143/5 and 143/6 at Veerananallur Village, Kattumannarkoil Taluk, Cuddalore District, measuring an extent of 4 acres, whereas in the said lands many layouts, constructed houses and shops are situated, and in the near future, the petitioner has decided to sell the same for houses, after obtaining layout approval from the Competent Authority. While so, the respondents herein acquired 64 cents from the aforesaid petitioner's lands for the purpose of laying by-pass road NH-227, and in view of the same, the 2nd respondent passed an award in Na.Ka.L.A/N.H/A1/227/2020, dated 12.08.2021 even without giving an opportunity of hearing to the petitioner and fixed Rs.7,150/- per cent as compensation for acquisition of the above said lands. However, recently, many house sites were sold in and around the petitioner's land for the value of Rs.4,00,000/- per cent. Therefore, the petitioner filed a Statutory Appeal dated 18.09.2021 for fixing compensation by invoking the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013) read with National Highways Acquisition Act, 1956 before the 1st respondent, but, till date no order has been passed. Hence, the present writ petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to 1st respondent to dispose of the Statutory Appeal dated 18.09.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. Mr.G.Krishna Raja, learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. In view of the aforesaid submissions, without expressing any opinion on the merits of the case, this Court directs the 1st respondent to dispose of the petitioner's Statutory Appeal dated 18.09.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jd/nhs



To

1. The District Collector/ Arbitrator,
Cuddalore District, Cuddalore.

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National Highways - 45-A and 227,
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3. The Special Tahsildar,
(L.A) N.H.227, Kattumannarkoil,
Cuddalore District.

+1 cc to Government Pleader Sr.NO. 11520

W.P.No.3113 of 2022

GJ(CO)

A.SK(15/03/2022)