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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.7128 of 2022

S.Sargurunathan

... Petitioner

Vs.

1.The District Collector,
Cuddalore District.

2.The Special District Revenue officer
(Land Acquisition)
National Highways - 45-C,
Villupuram.

3.The Special Tahsildar/Land Acquisition Officer,
National Highways - 45-C,
Sethiyathope Unit-III,
Murugan Koil Street,
Sethiyathope, Cuddalore District.

4.The Project Director,
National Highways -45-C,
North Natarajapuram Colony,
Medical College Road, Thanjavur.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the second respondent to fix the compensation for the petitioner's acquired land and house situated in S.Nos.44/6B, 44/7, 44/8 and 46/1 Kothandavilagam Village, Srimushnam Taluk, Cuddalore District by invoking under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by applying multiplicity factor and schedule-2 of the said Act and disburse the same to the petitioner within stipulated time as fix by this Court.



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For Petitioners : Mr.C.Prakasam

For Respondent : Mr.Su Srinivasan R4
Standing Counsel
Mr.P.Sathish RR1 to 3
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the second respondent to fix the compensation for the petitioner's acquired land and house situated in S.Nos.44/6B, 44/7, 44/8 and 46/1 Kothandavilagam Village, Srimushnam Taluk, Cuddalore District by invoking under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by applying multiplicity factor and schedule-2 of the said Act and disburse the same to the petitioner within stipulated time as fix by this Court.

2. The case of the petitioner is that during the year 2018, the authorities of the National Highways Department acquired the petitioner's land for widening the highways road and erecting the high voltage electrical tower in his land without issuing any notice. Without giving any opportunity and without fixing the compensation, the officials suo moto done the said work, for which, the petitioner made several representations to the respondents 2 and 3 for fixation of compensation for the acquired land which was owned by the petitioner. Since the respondents have not taken any steps, the present petition has been filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation dated 16.03.2022 within the time frame as fixed by this Court.

4. The learned Standing Counsel appearing for the 4th respondent submitted that after following due procedure, the land was acquired and fixed the compensation. But the petitioner has not received the compensation yet. However, the petitioner's representation will be considered in accordance with law.

5. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned Standing Counsel appearing on behalf of the 4th respondent and perused the materials available on record.



6. Considering the facts and circumstances of the case and the fair submissions made by the learned Standing Counsel appearing on behalf of the 4th respondent, this Court directs the respondents to conduct enquiry after providing opportunity to the petitioner and pass necessary orders on merits and in accordance with law and fix a fair compensation for the acquisition within a period of twelve weeks from the date of receipt of a copy of this order, if not fixed.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

rli

To

1.The District Collector,
Cuddalore District.

2.The Special District Revenue officer
(Land Acquisition)
National Highways - 45-C,
Villupuram.

3. The Special Tahsildar/Land Acquisition Officer,
National Highways - 45-C,
Sethiyathope Unit-III,
Murugan Koil Street,
Sethiyathope, Cuddalore District.

4. The Project Director,
National Highways -45-C,
North Natarajapuram Colony,
Medical College Road, Thanjavur.

+lcc to Mr.C.Prakasam, Advocate SR.No.20908

+lcc to Special Government Pleader, SR.No.21055

W.P.No.7128 of 2022

SKM(CO)
CB(22/04/2022)