



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1740 of 2022

Joseph Ligori

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Competent Authority and
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.

3.The Project Director cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil - 629 003.

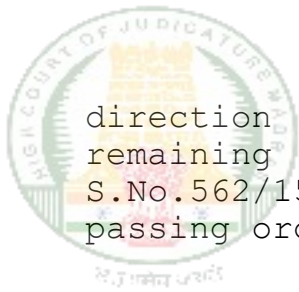
4.The Special Tahsildar (LANH Unit III),
Villvancode, Thiruthuvapuram,
Kanyakumari District.

5.The Executive Engineer (Building),
Public Works Department Office,
PWD Road, Chidambara Nagar,
Nagercoil, Kanyakumari District.

6.M/s.Balaji Associates,
Plot No.11, SBI Colony,
3rd Street, (Behind Preetham Plaza),
Bypass Road, Madurai - 625 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to conduct rehabilitation and resettlement enquiry as per Section 31 of Act 30 of 2013 and further



direction to the second respondent to pay compensation for the remaining measurement 920 Sq.Ft., (2225-1305) of the building at S.No.562/15, Thiruvathancode Village, Kalkulam Taluk, Kanyakumari by passing orders on the representation dated 07.01.2022.

WEB COPY

For Petitioner : Mr.G.Justin

For R-1, R-2, : Mr.D.Ghandiraj,
R-4 and R-5 Special Government Pleader.

ORDER

I need not keep the Writ Petition pending any further on the board of this Court.

2. Heard Mr.G.Justin, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who had taken notice for respondents 1, 2, 4 and 5.

3. In view of the nature of the order passed, notice is not directed to the third and sixth respondents.

4. This Writ Petition has been filed in the nature of Mandamus directing the first respondent to conduct further enquiry in accordance with Section 31 of Act 30 of 2013 relating to land acquisition and to issue a further direction to the second respondent to pay compensation for acquisition of the building at Survey No.562/15, Thiruvathancode Village, Kalkulam Taluk, Kanyakumari District. The petitioner had given a representation on 07.01.2022.

5. This Court sitting under Article 226 of the Constitution can never determine the quantum of the award to be paid for acquisition of land. It is within the realm of the acquiring authority to so decide the award amount. If the petitioner has grievances with respect to the award actually determined then, he may approach the concerned appellate authority. The award will be examined, the area of land acquired will be examined, the guideline value will be examined, the value of the constructed portion will be examined and thereafter an adjudication will be given as to the actual value of compensation to be paid and compared with the compensation already given and necessary orders will be passed.

6. The writ petitioner had given a representation on 07.01.2022. Primarily, there is an obligation on the petitioner to move further in accordance with the provisions of the concerned statute.



7. Accordingly, this Writ Petition stands dismissed.
There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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 District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Competent Authority and
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.
- 3.The Special Tahsildar 9LANH Unit III),
Villvancode, Thiruthuvapuram,
Kanyakumari District.
- 4.The Executive Engineer (Building),
Public Works Department Office,
PWD Road, Chidambara Nagar,
Nagercoil, Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-3722[F] dated 02/02/2022)

W.P. (MD) .No.1740 of 2022
01.02.2022

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