



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4261 of 2022

WEB COPY

T.J.Sethuram Babu

.. Petitioner

Vs

1.The District Collector,
Collector Office,
Sivagangai District.

2.The Authorised Officer and
Special District Revenue Officer,
National Highways (Land Acquisition),
Ramanathapuram.

3.The Revenue Divisional Officer,
Marudhupandiar Nagar,
Sivagangai District.

4.The Special Tahsildar,
Land Acquisition Department,
National Highways - 49, Unit - I,
Manamadurai,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation, dated 31.01.2022 in respect of the lands which were acquired under e/f/-nj(be).49-myF V/73/2013 on 30.07.2014 in respect of land situated in Kalugerkadai Group, Thattankulam village, Thirupuvanam taluk, Sivagangai District in Survey No.163/1B for an extent of 0.33.5 Ares that means approximately 82 $\frac{3}{4}$ cents was acquired by under National Highways extension scheme for Madurai - Rameswaram Road in total area was acquired by 3,183 sq. meters in Patta No.349 and to pay the award amount after considering the applicability of Act 38/2019 for the petitioner's land.

For Petitioner : Mr.T.R.Subramanian

For Respondents : Mr.M.Lingadurai
Special Government Pleader

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's representation, dated 31.01.2022, seeking for payment of compensation as determined under the award, dated 30.07.2014, passed by the second respondent under the National Highways Act and pass orders, within a time frame to be fixed by this Court.

2. According to the petitioner, his land was acquired under the National Highways Act and arbitration was initiated thereafter. By an arbitral award, dated 30.07.2014, passed under the National Highways Act, compensation was determined in respect of the land acquired from the petitioner. According to him, only on the ground that a civil suit in O.S.No.126 of 2004 is pending, the second respondent has not disbursed the compensation amount to the petitioner. According to the petitioner, the suit was pending during the pendency of acquisition, but thereafter, it was withdrawn by the petitioner on 29.08.2018. Therefore, there is no prohibition for the second respondent to disburse the compensation amount to the petitioner. In such circumstances, he has given a representation on 31.01.2022, seeking for payment of compensation, as per the aforementioned arbitral award. Since his representation has not been considered, till date, he has filed this writ petition.

3. Heard Mr.T.R.Subramanian, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has filed documents along with the writ petition including the arbitral award passed in his favour under the National Highways Act. In the arbitral award, dated 30.07.2014, the petitioner's property, which was acquired, is mentioned in page No.19 of the arbitral award, which pertains to the survey number 163/1B. As seen from the arbitral award, though compensation has been determined, due to the pendency of the civil suit in O.S.No.126 of 2004, the compensation has not been paid to the petitioner. Though the said civil proceedings was pending during the pendency of the land acquisition, the said civil suit was withdrawn, subsequently, by the petitioner, as seen from the judgment and decree of the Sub Court, Sivagangai, dated 29.08.2018, passed in A.S.No.66 of 2015. The said judgment and decree is also filed as a document along with the writ petition. It is for the second respondent to consider those documents, while disposing of the petitioner's representation, dated 31.01.2022, seeking for payment of the determined compensation.

5. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the other necessary parties, whom the second respondent



deems fit to enquire.

6. Accordingly, this Court directs the second respondent to consider the petitioner's representation, dated 31.01.2022, seeking for disbursement of compensation to him as per the arbitral award, dated 30.07.2014, passed by the second respondent under the National Highways Act and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the second respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

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 District Collector,
Collector Office,
Sivagangai District.
2. The Authorised Officer and
Special District Revenue Officer,
National Highways (Land Acquisition),
Ramanathapuram.
3. The Revenue Divisional Officer,
Marudhupandiar Nagar,
Sivagangai District.



4.The Special Tahsildar,
Land Acquisition Department,
National Highways - 49, Unit - I,
Manamadurai,
Sivagangai District.

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate (SR-11284[F] dated
10/03/2022)

+1 CC to M/s.SPL GP (SR-11550[F] dated 11/03/2022)

W.P. (MD)No.4261 of 2022
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sb(CO)
TR(25.03.2022) 4P 7C