



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4239 of 2022

T.Edward

... Petitioner

Vs.

1.The Secretary,
Ministry of Transport and Highways,
Government of India,
New Delhi.

2.The Project Director,
National Highways Authority of India,
Tirunelveli at Nagercoil.

3.The Arbitrator and the District Collector,
Kanniyakumari District,
Nagercoil.

4.The Competent Authority of Land Acquisition (CALA) cum
The Special District Revenue Officer (Land Acquisition),
National Highways,
Tirunelveli Observatory Street,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to disburse the compensation payable to the petitioner as per the Arbitral Award passed by the third respondent in Na.Ka.No.c3/28987/2018 dated 09.01.2021 and based upon the petitioner's representation dated 19.02.2022.

For Petitioner : Mr.K.K.Kannan

For Respondent No.2 : Mr.Su.Srinivasan
Central Government Standing Counsel

For Respondents 3&4 : Mrs.S.Jeyapriya
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to disburse the compensation amount payable to the petitioner as per the Arbitral Award passed by the third respondent in Na.Ka.No.c3/28987/2018 dated 09.01.2021 based upon the petitioner's representation dated 19.02.2022 within a time frame to be fixed by this Court.



2.It is the case of the petitioner that his lands were acquired by the National Highways Authority and thereafter arbitration was initiated and an arbitral award dated 09.01.2021 came to be passed in his favour. Under the said award, the compensation payable to the petitioner has been determined. But it is the case of the petitioner that till date, the compensation amount has not been paid as per the arbitral award. The petitioner has given a representation on 19.02.2022 to the fourth respondent requesting him to pay the compensation amount as per the arbitral award dated 09.01.2021 passed by the third respondent. Since his representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.K.K.Kannan, learned Counsel for the writ petitioner, Mr.Su.Srinivasan, learned Central Government Standing Counsel who accepts notice on behalf of the second respondent and Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of the respondents 3 and 4.

4.No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law.

5.According to the petitioner the compensation has been determined under the arbitral award dated 09.01.2021 by the third respondent but the determined amount has not been paid till date to the petitioner. The petitioner has given a representation dated 19.02.2022 seeking for payment of the determined compensation. Admittedly, the said representation has not been considered till date.

6.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 19.02.2022 seeking for disbursement of the compensation payable to him as per the arbitral award dated 09.01.2021 passed by the third respondent in his favour and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of four [4] weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

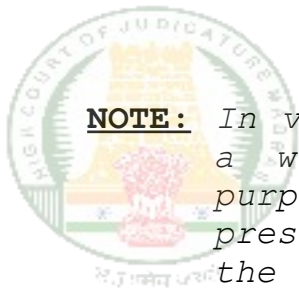
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/ /2022

Sub Assistant Registrar(CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

- 1.The Secretary,
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The Special District Revenue Officer (Land Acquisition),
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Nagercoil.

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-11311[F] dated
10/03/2022)

+1 CC to M/s.SPL GP (SR-11495[F] dated 11/03/2022)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-11029[F] dated 10/03/2022)

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