



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4214 of 2022

J.Robert Kennedy

.. 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: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to review the arbitral award passed by him in Na.Ka.Vu3/28987/2018, dated 09.01.2021, on the basis of appreciating the land as industrial area and calculate the business loss of the petitioner and based upon letter in Na.Ka.No.J3/1699/2019, dated 24.08.2021, by the fourth respondent and based upon the petitioner's representation, dated 08.11.2021.

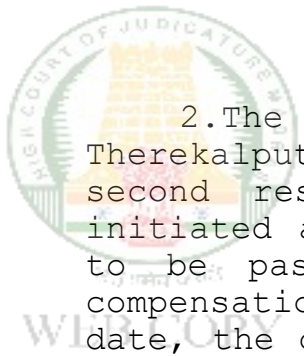
For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.Ashok Kumar Ram, for R1
Central Government Standing Counsel

Mrs.S.Jeyapriya for R2 to R4
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to pay the compensation amount as determined under the arbitral award, dated 09.01.2021, passed by the third respondent in respect of the lands acquired by the petitioner, based on the petitioner's representation, dated 08.11.2021, within a time frame to be fixed by this Court.



2.The case of the petitioner is that his land in S.No.29/3A in Therekalputhoor Village, Kanniyakumari District, was acquired by the second respondent and thereafter, arbitration proceedings were initiated and arbitral award under the National Highways Act, came to be passed by the third respondent on 09.01.2021, wherein, compensation was determined. According to the petitioner, till date, the compensation has not been paid to the petitioner in terms of the arbitral award. In such circumstances, he has given a representation on 08.11.2021, to the respondents, requesting them to pay the compensation as determined under the arbitral award, passed by the third respondent on 09.01.2021. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.K.K.Kannan, learned counsel for the petitioner, Mr.Ashok Kumar Ram, learned Central Government Standing Counsel, who accepts notice on behalf of the first respondent and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents 2 to 4.

4.The learned counsel for the petitioner claims that though the representation was taken on file by the first respondent and forwarded to the fourth respondent for consideration, till date, no final orders have been passed.

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 petitioner. Admittedly, the petitioner's land has been acquired and compensation has also been determined under the arbitral award passed under the National Highways Act, while that being so, the petitioner's representation seeking for payment of compensation amount has to be considered expeditiously.

6.Accordingly, this Court directs the fourth respondent to consider the petitioner's representation, dated 08.11.2021, seeking for payment of compensation as per the arbitral award, dated 09.01.2021, passed by the third respondent under the National Highways Act and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

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

Sd/-

Assistant Registrar(Crl Side)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)



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 Secretary,
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New Delhi.
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Observatory Street, Nagercoil.

+1 CC to M/s.SPL GP (SR-11224[F] dated 10/03/2022)

+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-10923[F] dated 09/03/2022)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-11030[F] dated 10/03/2022)

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MK/18.03.2022/3P/8C