



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5125 of 2022

and

W.M.P.[MD]No.4171 of 2022

R.Ganasekaran

... Petitioner

Vs.

1.The National Highways Authority of India,
Rep. by its Chairman,
G-5&6, Sector 10, Dwarka,
New Delhi - 110 075.

2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Highways and Minor Port,
Secretariat, Chennai - 9.

3.The District Collector,
Dindigul,
Dindigul District.

4.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition - National Highways),
D.No.567, APJ Abdulkalam Street,
Chennamanaickanpatti,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove the obstructions put up in petitioner's land in the form of Electric poles and channel and also to restrain the respondents their men agents or servant or any one claiming under them in any manner dispossessing the writ petitioner from his lands in S.Nos.642/3 measuring 0.4484 hectare and S.No.618/1B measuring 0.0042 hectares without due process of law.

For Petitioner : Mr.VR.Shanmuganathan

For Respondent No.1 : Mr.Su.Srinivasan
Standing Counsel

For Respondents 2 to 4 : Mr.M.Lingadurai

Special Government Pleader



O R D E R

This writ petition has been filed for a Mandamus to forbear the respondents from dispossessing the petitioner from his lands comprised in survey Nos.642/3 measuring 0.4484 hectare and 618/1B measuring 0.0042 hectares, on the ground that without acquiring the lands in accordance with law, the respondents have installed electric poles in the petitioner's properties.

2.On the last hearing date, when the matter came up for admission, learned Standing Counsel appearing for the first respondent submitted that the lands belonging to the petitioner were acquired from the petitioner only in accordance with law and compensation has already been determined and thereafter deposited. Learned Standing Counsel sought time to get written instructions.

3.Learned Standing Counsel appearing for the first respondent has obtained written instructions, wherein it has been stated that the petitioner's lands which is the subject matter of this writ petition were acquired and an award for the said lands has also been passed on 21.06.2021 and the compensation of Rs.31,49,608/- and Rs.29,501/- have been determined for both the survey numbers. In all put together a sum of Rs.31,79,109/- has been determined as compensation for the subject lands which is the subject matter of this writ petition. The said statement is recorded.

4.Learned Counsel for the petitioner now submits that the petitioner may be granted liberty to seek for enhancement of the compensation, if so advised, in the manner known to the petitioner under law. The said statement is also recorded.

5.After recording the submissions made by the respective Counsels, this writ petition is disposed of by granting liberty to the petitioner to seek enhancement of the determined compensation in the manner known to him under law. The fourth respondent is directed to disburse the determined compensation amount of Rs.31,79,109/- to the petitioner, within a period of four [4] weeks of the petitioner presenting all the requisite documents to the satisfaction of the fourth respondent. The petitioner is directed to submit the requisite documents within a period of two [2] weeks from the date of receipt of a copy of this order and on receipt of the same, if the fourth respondent is satisfied, the fourth respondent shall disburse the amount within a period of four [4] weeks thereafter.



6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The Chairman,
National Highways Authority of India,
G-5&6, Sector 10, Dwarka,
New Delhi - 110 075.
2. The Principal Secretary,
Government of Tamil Nadu,
Department of Highways and Minor Port,
Secretariat, Chennai - 9.
3. The District Collector,
Dindigul,
Dindigul District.
4. The Competent Authority and
Special District Revenue Officer,
(Land Acquisition - National Highways),
D.No.567, APJ Abdulkalam Street,
Chennamanaickanpatti,
Dindigul.

+1 CC to M/s.VR. SHANMUGANATHAN, Advocate (SR-17753[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP (SR-17961[F] dated 11/04/2022)

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