



W.P(MD)No.4751 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4751 of 2019

V.Jayakumari

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Special District Revenue Officer,
(Land Acquisition – National Highways),
Tirunelveli @ Nagercoil.

3.The National Highways Authority of India,
Nagercoil, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to fix the compensation as per the market value and equal compensation for acquisition of land of the petitioner S.No.74/7A2 measuring 35 ½ cents (1420 sq.mtrs) including trees in Kulappuram Village at Vilavancode Taluk and consequently direct the respondents to fix the compensation of Rupees 2,50,000/- per cent as market value and pay balance of enhanced compensation



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of Rupees 56,59,395/- (Fifty Six Lakhs and Fifty Nine Thousand and Three Hundred and Ninety Five) (out of 95,75,000) to the petitioner with interest accrued thereon.

For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader for R1 & R2.
Mr.C.Arul Vadivel @ Sekar for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner's land appears to have been acquired under the National Highways Act. The compensation was also paid. The petitioner feels aggrieved by the quantum. She seeks enhancement. Seeking the said relief of enhancement, the present writ petition has been filed.

3.As rightly pointed out by the learned counsel for the third respondent, the Writ Court cannot grant the said relief. The petitioner has to necessarily file a petition under Section 34 of the Arbitration and Conciliation Act, 1996.



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4. Granting such liberty to the writ petitioner, the writ petition is disposed of. I make it clear that the time spent in prosecuting this writ petition will be excluded for the purpose of computing limitation. No costs.

16.12.2022

Index : Yes / No
Internet : Yes/ No
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To:

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Kanyakumari District,
At Nagercoil.
2. The Special District Revenue Officer,
(Land Acquisition – National Highways),
Tirunelveli @ Nagercoil.



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G.R.SWAMINATHAN, J.

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