



WEB COPY

W.P.(MD)No.16062 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16062 of 2021

and

W.M.P. (MD)No.12932 of 2021

K.Panayan

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The Special Divisional Revenue Officer,
National Highways,
No.744-U, Madurai Ring Road, Madurai.

3.The Tahsildar,
Vadipatty Taluk, Vadipatty,
Madurai District.

4.The Assistant Engineer,
National Highways,
No.744-U, Madurai Ring Road, Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to give Section 3E(1) notice of National Highways Act, 1956 to the petitioner's land in S.No.34/16, Ilavangulam Village, Vadipatty Taluk, Madurai District and grant eligible compensation as per law to the petitioner as per the petitioner's representations to the second respondent on 28.12.2020 within a time frame to be fixed by this Court.

For Petitioner	:Mr.R.Ramasamy
For R1 to R3	:Mr.B.Saravanan
	Additional Government Pleader
For R4	:Mr.C.Arul Vadivel @ Sekar

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to give Section 3E(1) notice of National Highways Act, 1956 to the petitioner's land in S.No.34/16, Ilavangulam Village, Vadipatty Taluk, Madurai District and grant eligible compensation as per law to the petitioner as per the petitioner's representation to the second respondent on 28.12.2020.



2.The grievance of the petitioner in this Writ Petition is that his lands have been acquired by not following the procedure established under law and further no compensation has been paid to him.

3.Counter affidavits have been filed by the respondents and in paragraph-6 of the counter affidavit filed by the second respondent, they have stated that the land claimed by the petitioner under his ownership is originally situated in S.No.34/19A and not in S.No.34/16. According to the second respondent, both S.Nos.34/16 and 34/19A were acquired under the National Highways Act, 1956. It is the contention of the second respondent that S.Nos.34/16 and 34/19A does not belong to the petitioner.

4.However, the learned Counsel for the petitioner, on instructions, would submit that as per revenue records, though S.No.34/16 stands in the name of Vella Avayan in Patta No.189, who is none else than the petitioner's grandfather, the property document stands in the name of the petitioner. Therefore, he would submit that the petitioner will be satisfied, if the representations given by the petitioner seeking for the same relief, as sought for in this Writ Petition, is considered on merits and in accordance with law by the second respondent.

5.The learned Additional Government Pleader appearing for State has not raised any serious objection for the said request made by the learned Counsel for the petitioner.

6.After recording the submissions made by the respective Counsels, this Writ Petition is disposed of by directing the petitioner to submit a fresh representation to the second respondent seeking for payment of determined compensation in respect of the lands acquired in S.No.34/16 belonging to them as per the award in Award No.16/2018, dated 16.04.2019 amounting to Rs.4,31,425/- within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall disburse the award amount to the appropriate person/s within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To

1.The District Collector,
Madurai District, Madurai.

2.The Special Divisional Revenue Officer,
National Highways,
No.744-U, Madurai Ring Road, Madurai.

3.The Tahsildar,
Vadipatty Taluk, Vadipatty,
Madurai District.

4.The Assistant Engineer,
National Highways,
No.744-U, Madurai Ring Road, Madurai.

+1 CC to M/s.C. ARUL VADIVEL @ SEKAR, Advocate (SR-16479[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-16728[F] dated 05/04/2022)

W.P.(MD)No.16062 of 2021
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RD(18.04.2022) 3P 7C