



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.17489 of 2021

A.Rohini Kumar

... Petitioner

/Vs./

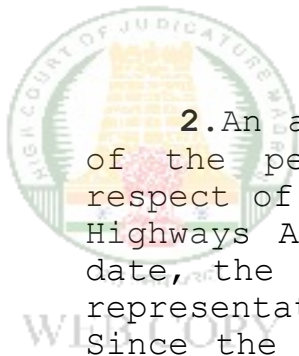
- 1.The Secretary,
Ministry of Transport and Highways,
Government of India,
New Delhi.
 - 2.The Project Director,
National Highways Authority of India,
Tirunelveli at Nagercoil.
 - 3.The Arbitrator and the District Collector,
Kanniyakumari District,
Nagercoil.
 - 4.The Competent Authority of Land Acquisition (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 4th respondent to disburse the compensation payable to the petitioner as per the Arbitral Award passed by the 3rd respondent in Na.Ka.No.Vu3/28987/2018 dated 09.01.2021 and based upon the petitioner's representations dated 22.03.2021 and 22.09.2021.

For Petitioner	: Mr.K.K.Kannan
For R1	: Mr.G.Rajaraman
For R2	: Mr.Su.Srinivasan
	Standing Counsel
For R3 & R4	: Mr.B.Saravanan
	Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to disburse the compensation payable to the petitioner, as per the Arbitral Award passed by the 3rd respondent in Na.Ka.No.Vu3/28987/2018 dated 09.01.2021 and based upon the petitioner's representations dated 22.03.2021 and 22.09.2021, within a time frame to be fixed by this Court.



2. An arbitral award dated 09.01.2021 has been passed in favour of the petitioner and the compensation has been determined in respect of the lands acquired from the petitioner under the National Highways Act, 1956. The grievance of the petitioner is that till date, the compensation amount has not been disbursed. He has given representations on 22.03.2021 and 22.09.2021 for the said purpose. Since the said representations have not been considered till date, he has filed this writ petition.

3. Heard Mr.K.K.Kannan, learned Counsel for the writ petitioner, Mr.G.Rajaraman, learned counsel appearing for the first respondent, Mr.Su.Srinivasan, learned standing counsel appearing for the second respondent and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 3 and 4.

4. The learned counsel appearing for the petitioner drew the attention of this Court to the Arbitral award passed in favour of the petitioner dated 09.01.2021 and would submit that till date, the compensation amount determined under the said arbitral award has not been disbursed to the petitioner.

5. No prejudice would be caused to the respondents, if the representations of the petitioner are considered on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

6. Accordingly, this Court directs the fourth respondent to consider the representations of the petitioner dated 22.03.2021 and 22.09.2021 requesting for disbursement of the compensation amount as determined under the arbitral award dated 09.01.2021 passed in his favour by the third respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of eight [8] 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 (CO)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To:

- 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.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-15236[F] dated 30/03/2022)

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-15419[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15346[F] dated 30/03/2022)

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MGJ(07.04.2022) 3P 8C