



W.P.(MD)No.11407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **04.05.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.11407 of 2023

Viyakulamuthu

... Petitioner

Vs.

1.The Deputy General Manager cumm Project Director,
Project Implementation Unit,
National Highways Authority of India,
No.395/3-1, M.S.Road,
Majestic Colony,
Near Ayyappan Koil,
Parvathipuram, Nagercoil,
Kanyakumari District 629 003.

2.Special District Revenue Officer,
Land Acquisition - National Highways,
Nagercoil, Kanyakumari District 629 001.

3.The Assistant Regional Commissioner,
Hindu Religious and Charitable Endowments (HR & CE),
141, Tiruvananthapuram Road,
Palayamkottai,
Tirunelveli.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to disburse the compensation to the petitioner, in respect of the land acquired from the petitioner to an extent of 100 Sqr.Mtrs out of the total extent of 66 cents in Old S.No.1583 New S.No.929/4A, Theroor Village, Agastheeswaram Taluka, Idalakudi Sub - Registration Office limits, Kanyakumari District.

For Petitioner	: Mr.S.Anandha Rajagopal
For R1 & R2	: Mr.Su.Srinivasan
	Standing Counsel
For R3	: Mr.N.Ga.Nataraj
	Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the first respondent to disburse the compensation to the petitioner, in respect of the land acquired from the petitioner to an extent of 100 Sqr.Mtrs out of the total extent of 66 cents in Old S.No.1583 New S.No.929/4A, Theroor Village, Agastheeswaram Taluka, Idalakudi Sub - Registration Office limits, Kanyakumari District.



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2. The case of the petitioner is that he is the owner of the property in S.No.929/4A, Theroor Village, Agastheeswaram Taluka, Idalakudi Sub - Registration Office limits, Kanyakumari District and 66 cents of the aforesaid land was purchased by the petitioner under a sale deed dated 08.12.1993 under the Document No.2442 of 1993. The said land was originally owned by (i) Alkondan Moopannar (ii) Chockalingam Moopannar (iii) Ambalavanan and they had executed the aforementioned sale deed in favour of the petitioner for valuable consideration and the petitioner obtained patta in Patta No.3421. While so, the petitioner's land was acquired under the National Highways Act and paper publication was also issued for acquisition of the aforesaid land only measuring to an extent of 100 sq.mtrs on 10.06.2010 and thereafter an award was also passed in Award No.1 of 2014 on 29.01.2014.

3. However, the compensation amount has not been disbursed to the petitioner. Subsequently, an enquiry notice was issued by the Special District Revenue Officer on 03.10.2019. The petitioner filed an



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application on 15.03.2023 for disbursal of the compensation amount for acquisition of the aforesaid land before the first respondent and the first respondent directed the second respondent to take necessary action on the petitioner's request to release the compensation amount vide his proceedings in NHAI/PIU/NGL/NH-47 & 47B/LA/2023/593. However, till date, the enquiry was not completed and hence, this writ petition has been filed with the aforesaid prayer.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2 and the learned Government Advocate appearing for the third respondent.

5. In view of the above, this Court directs the second respondent to conclude the enquiry and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner and the third respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

04.05.2023

NCC: Yes / No
Index: Yes / No
Sm/Ssb

To

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M.DHANDAPANI,J.

Sm/Ssb

Order made in
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Dated:
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