



W.P.(MD)No.14508 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.14508 of 2021
and
W.M.P.(MD).No.11440 of 2021

D.Gandhi

... Petitioner

Vs

1.The District Collector,
District Collector Office,
Sivagangai.

2.The Competent Authority and
Special District Revenue Officer (LA),
National Highways Scheme,
District Collector Campus,
Pudukkottai District

3.The Deputy General Manager (Tech)
& Project Director,
National Highways Authority of India,
Project Implementation Unit,
Plot No.3, Surya Towers,
2nd Floor, K.K.Nagar 1st East Street,
Madurai-20.

... Respondents

(Respondent No.3 is impleaded vide order of this Court dated 07.12.2023
made in W.M.P.(MD).No.17170 of 2021 in W.P.(MD).No.14508 of 2021)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to orders passed by the 2nd respondent dated 28.04.2021 in Tha.Pa.57/2020 and quash the same and consequently direct the 2nd respondent to sent to petitioners records to the 1st respondent based on the communication dated 15.10.2020 passed by the 1st respondent and also direct the 1st respondent to appoint an arbitrator to determine the market value of his land comprising in Survey Nos.143/13C1 measuring 51 sq.mt, 43/10B2, measuring 190 sq.mt situated at Mampatti North Village, Singampunari Taluk, Sivagangai District, as expeditious as possible.

For Petitioner : Mr.C.Susi Kumar

For R-1 : Mr.A.K.Manikkam,
Special Government Pleader

For R-2 : Mr.S.Sankarapandian,
for M/s. C.Arulvadivel Associates

ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent dated 28.04.2021 and for a consequential direction to the second respondent to forward the records to the first respondent in order to enable the first respondent to decide on the enhancement of compensation sought for by the petitioner.

2. Heard the learned counsel on either side.



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3. The grievance of the petitioner is that the second respondent had fixed the compensation for the lands that were acquired under the National Highways Act, 1956, by taking into account the guideline value. Aggrieved by the same, the petitioner filed a representation / appeal before the first respondent seeking for enhancement of compensation. The first respondent had sought for the details from the second respondent. The second respondent instead of providing the details, proceeded to issue the impugned proceedings dated 28.04.2021. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The learned Special Government Pleader appearing on behalf of the first respondent based on the written instructions received from the Special Tahsildar, National Highways Scheme, Thirupatthur, submitted that the compensation has been enhanced by the first respondent based on the application submitted by the adjacent land owners, who are also similarly placed and since the petitioner did not submit the relevant documents, his case was not able to be forwarded to the first respondent. The learned Special Government Pleader submitted that if the petitioner is



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able to submit all the relevant documents before the second respondent, the same will be forwarded to the first respondent and the first respondent will be able to take a decision on the claim made by the petitioner.

5. Taking into consideration the facts and circumstances of the case and the written instructions received from the Special Tahsildar, National Highways Scheme, Thirupattur, there shall be a direction to the petitioner to submit all the relevant documents before the second respondent within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall place the entire records before the first respondent. The first respondent shall pass final orders under Section 3-G (5) of the National Highways Act, 1956, within a period of three (3) months thereafter.

6. This Writ Petition is disposed of with the above directions.

No costs. Consequently, connected miscellaneous petition is closed.

07.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

The District Collector,
District Collector Office,
Sivagangai.



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N.ANAND VENKATESH, J.

TSG

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