



W.P.(MD)No.17086 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17086 of 2020

S.Vijaya

... Petitioner

vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Competent Authority & District
Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil, Kanyakumari District.

3.The Project Director Cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil, Parvathipuram,
Nagercoil – 629 003, Kanyakumari District.

4.The Union of India,
represented by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street, New Delhi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to

1/5



W.P.(MD)No.17086 of 2020

pass orders on the representation dated 25.05.2020 for refixation of compensation awarded, in the modified award No.7/14-10 dated 22.09.2017 as per the provision of Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and by applying multiplier two and pay the revised compensation together with interest and other benefits to the petitioner.

For Petitioner	:Mr.G.Justin
For R1 and R2	:Ms.D.Farjana Ghousia Special Government Pleader
For R3	:Mr.Su.Srinivasan
For R4	:Mr.V.Malaiyendan

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to pass orders on the representation made by the petitioner on 25.05.2020, wherein, the petitioner has sought for reviewing the modified award dated 22.09.2017 within a time frame fixed by this Court.

2.When the matter came up for hearing on 19.10.2023, this Court has passed the following order:



WEB COPY



W.P.(MD)No.17086 of 2020

“The specific case that has been pleaded by the petitioner is that the Competent Authority has passed a Modification Award on 22.09.2017. As against the same, the petitioner has filed an independent application under Section 3G(5) of the National Highways Act, 1956 before the first respondent District Collector and no orders have been passed in that application till date.

2.The third respondent has filed a counter affidavit and has taken a stand that the Award has already been passed by the first respondent District Collector/Arbitrator on 08.01.2019 and the compensation was enhanced and enhanced compensation amount was also paid to the petitioner through ECS Cheque dated 16.03.2020. Therefore, the third respondent has taken a specific stand that nothing survives for adjudication in the present Writ Petition. If at all the petitioner is aggrieved by the order passed by the first respondent District Collector, only application under Section 34(3) of the Arbitration Act, 1996 should be filed before the Competent Court.”

3.When the matter was taken up for hearing today, the proceedings of the District Collector/Arbitrator dated 08.01.2019 was placed before this Court. It is seen from this proceedings that the petitioner, namely, R.Vijaya had participated in the proceedings and the claim made by the petitioner was also considered and her statement was also recorded and thereafter, the arbitration order was passed through proceedings dated 08.01.2019. The enhanced amount of Rs.1,35,247/- was also paid to the petitioner on 16.03.2020.

4.In view of the above, the relief sought for by the petitioner cannot be granted by this Court. Hence, this Writ Petition is disposed of



W.P.(MD)No.17086 of 2020

accordingly. No costs.

WEB COPY

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

09.11.2023
(2/5)

cmr

To

1.The Tahsildar,
Thirupattur Taluk, Sivagangai District.

2.The Firka Surveyor,
Thirupattur Taluk, Sivagangai District.

3.The Inspector of Police,
Nerkuppai Police Station, Sivagangai.



WEB COPY



W.P.(MD)No.17086 of 2020

N.ANAND VENKATESH, J.

cmr

W.P.(MD)No.17086 of 2021

09.11.2023
(2/5)