



W.P(MD)No.17083 of 2020

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.17083 of 2020

Maria Rajendra Arulappan (died)

1.P.Mariya Rethinabai

2.M.Mary Inigo

3.Msty Obeelia

4.Mary Wilbertina

5.Selastin Mary

6.M.Britto Jayasingh

7.Yusplous

8.Jain Antitus

... Petitioners

(P1 to P8 are substituted vide Court order dated
22.11.2023 in W.M.P(MD)No.23692 of 2023)

Vs.

1.The District Collector

Kanyakumari District,

Nagercoil.



W.P(MD)No.17083 of 2020

2.The Competent Authority and 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,

Rep. 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 first respondent to pass orders on the representation dated 20.04.2020 for re-fixation of compensation awarded, in the modified award No.7/2015-30 dated 10.09.2018 as per the provision of Section 26 to 30 of the Right to



W.P(MD)No.17083 of 2020

WEB COPY

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 Respondents : Mrs.D.Farjana Ghoushia– for R1 & R2

Special Government Pleader

Mr.Su.Srinivasan – for R3

Standing Counsel

Mr.V.Malaiyendran – for R4

Central Government Standing Counsel

ORDER

This Writ Petition was filed for the issue of a Writ of Mandamus directing the first respondent to pass orders on the representation dated 20.04.2020 made by the petitioner seeking for refixation of the compensation awarded in modified Award No. 7/2015-30 dated 10.09.2018 as per the provisions of Section 26 to 30 of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013.



W.P(MD)No.17083 of 2020

2. When the matter was taken up for hearing on

01.12.2023, this Court passed the following order:

“When the matter was taken up for hearing, the learned Additional Government Pleader produced the written instructions received from the second respondent. On going through the same, it is seen that a reference has been made to the proceedings of the District Collector, dated 11.06.2019. It is also mentioned in the written instructions that the petitioner was paid enhanced compensation of Rs.33,77,172/- and solatium of Rs.11,63,031/-.

2.The learned counsel for the petitioner submitted that there is no dispute with regard to the fact that the petitioner was paid the compensation of Rs.33,77,172/- along with solatium. The learned counsel further contended that the compensation was fixed based on the joint meeting that was headed by the Collector, wherein, it was decided to fix the market value as on 01.04.2012. The learned counsel further submitted that the petitioner has independently filed an appeal under Section 3(G)(5) of the National Highways Act on 22.10.2018 and this appeal has not been heard and disposed of by the



W.P(MD)No.17083 of 2020

District Collector. A representation was made in this regard by the petitioner on 20.04.2020 and this also did not evoke any response.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and also the learned Standing Counsel appearing on behalf of the National Highways Department shall take specific instructions as to the status of the appeal that was filed by the petitioner on 22.10.2018 before the District Collector under Section 3(G) (5) of the National Highways Act.

4.Post the matter under the same caption on 08.12.2023.”

3. When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and the Standing Counsel appearing on behalf of the third respondent and learned Central Government Standing Counsel appearing for the fourth respondent clarified this Court that the appeal that was filed by the petitioner dated 22.10.2018 was dealt with by the District Collector / Arbitrator and the enquiry was



W.P(MD)No.17083 of 2020

WEB COPY

attended by the son of the petitioner named Britto Jayasingh and his statement was also recorded. Based on the same, the final order / Award was passed by the District Collector / Arbitrator on 11.06.2019 by enhancing the compensation and this compensation amount was also paid to the petitioner on 16.03.2020. Thus, the learned counsel appearing on behalf of the respondents have clarified the query that was posed by this Court during the earlier hearing.

4. In view of the above, the relief as sought for by the petitioner cannot be granted by this Court and this Writ Petition is disposed of accordingly. No costs.

08.12.2023

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

RM

To



W.P(MD)No.17083 of 2020

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W.P(MD)No.17083 of 2020

N.ANAND VENKATESH, J.

RM

W.P(MD)No.17083 of 2020

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