



W.P.(MD)No.5575 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5575 of 2016

1. K.P.Selvam
2. S.Antony Xavier Gorge ... Petitioners

versus

1. The District Collector,
O/o. District Collectorate,
Ramnad District.

2. The District Revenue Officer,
Ramnad District.

3. The Special District Revenue Officer,
Land Acquisition for National Highway 49,
Ramnad District.
(Cause title is amended as per order
dated 05.08.2016)

4. The Project Director,
National Highways 49,
NAHAI, Subramaniapuram,
Karaikudi – 630 002.
(R4 is impleaded as per order
dated 05.08.2016) ... Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to initiate the Land Acquisition Proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by taking into account of the petitioner's representation dated 27.02.2016, as the Land Acquisition Proceedings Notification dated 29.04.2013 in Na.Ka.No.NH.49/Unit-V/7/2011 issued under Section 3D, 3G(3) of the National Highways Act (48/1956) deemed to be lapsed.

For Petitioners : No appearance

For R1 to R3 : Mr.M.Sarangan,
Additional Government Pleader

For R4 : Mr.C.Arulvadiivel Sekar,
for Mr.S.Sankarapandian

ORDER

The petitioners' land in Survey Nos.41/3A and 41/3C situated at Kamudakudi Group Village, Paramakudi, Ramnad District, was



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acquired in the year 2012 for expansion of National Highways. In pursuance thereof, the petitioners have sent repeated representations to the 3rd respondent requesting to give fair compensation under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013. Since the said representations have not been considered, the petitioners have filed this writ petition for a Mandamus directing the respondents to pay fair compensation for their land under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, by considering their representations.

2. Today, when the matter is taken up for hearing, there is no representation for the petitioners.

3. However, the learned Senior Counsel appearing for the 4th respondent and the learned Additional Government Pleader appearing for the respondents 1 to 3 fairly submit that the petitioners are entitled



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for compensation as per the Notification issued by the Government of India, Ministry of Road Transport and Highways dated 28.12.2017.

They further submit that the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act was enacted in the year 2013, however, came into force with effect from 01.01.2014. For determining the compensation with regard to the lands acquired for the purpose of National Highways, it was initially prescribed as 01.01.2015. However, the Government of India, by Notification dated 28.12.2017, extends the benefit for those claimants, whose compensation amount has not been deposited on or before 01.01.2015. Therefore, the petitioners are entitled for fair compensation.

4. Clause 4.6 (iii)(b) of the Notification dated 28.12.2017 reads as under:

In cases, where the land acquisition process was initiated and award of compensation under Section 3G had also been announced before 01.01.2015 but the full



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amount of Award had not been deposited by the acquiring agency with the CALA, the compensation amount would be liable to be determined in accordance with the First Schedule w.e.f. 01.01.2015.

5. Admittedly, in this case, the award amount for the lands acquired from the petitioners was deposited only in the month of December 2015. Therefore, the petitioners are entitled for compensation under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, as per the Notification dated 28.12.2017.

6. In view of the Notification dated 28.12.2017, this writ petition is disposed of with a direction to the respondents to pay compensation to the petitioners as per the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.



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7. This Court places its appreciation to the learned Senior Counsel appearing for the 4th respondent and the learned Additional Government Pleader for their fair submissions before this Court, despite there is no appearance for the petitioners. There shall be no order as to costs.

05.10.2023

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

To

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