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W.P.(MD)NO.27360 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27360 of 2023 AND
W.M.P.(MD)No.23519 of 2023

P.Kaliappan

... Petitioner

Vs.

1. The Government of India,
Rep. by its Secretary,
Ministry of Road Transport & Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi.
2. The National Highway Authority of India,
G 5 & 6, Sector 10, Dwarka,
New Delhi.
3. The District Collector,
Coimbatore,
Coimbatore District.
4. The Competent Authority,
District Revenue Officer(Acquisition),
Door No.567, APJ Abdul Kalam Street,
Chennavarayakanpatti,
Dindigul – 624 004.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass the award determining the amount of



compensation qua 1 Palm tree, 2 Lemon trees, 1 Silk Cotton tree(Ilavamaram), 1 borewell and 3 Ashoka trees situated in S.No.20/2A; 1 Manila Tamarind tree (Seeni Puliyamaram) in S.No.21/5 and 32 coconut trees, 1 Guava tree, 2 Manila Tamarind trees and one Palm tree in S.No.22/3 and 467 Amla trees in all the three survey numbers viz., S.No.20/2A, S.No.21/5, S.No.22/3 comprised in Unjavelampatti Village, Pollachi, Coimbatore District under Section 3A of the National Highways Act 1956 in pursuance of the acquisition of the petitioner's lands for the purpose of laying the National Highway No.209 via., Dindigul to Pollachi and in terms of the statement dated 27.06.2023 prepared by the fourth respondent and consequentially to pay the compensation determined thereof within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan,
Senior Counsel,
for M/s.Ajmal Associates.

For R-1 : Mr.K.Govindarajan,
Deputy Solicitor General of India.

For R-2 : Mr.P.Karthik

For R-3 & R-4 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

**ORDER**

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Heard the learned Senior counsel appearing for the writ petitioner and the learned Deputy Solicitor General appearing for the first respondent and the learned Standing counsel appearing for the second respondent and the learned Additional Government Pleader appearing for respondents 3 and 4.

2. The lands belonging to the petitioner were acquired under the provisions of the National Highways Act for road widening. It is not in dispute that the award has already been passed for the land. The learned Deputy Solicitor General informed the Court that on account of the pendency of the writ proceedings, decision could not be taken for close to 5 years. Recently, the decision was taken. They noticed that there are standing trees. They have been duly noted down and it is formally asserted by the Deputy Solicitor General. It is now further undertaken that the award amount for the standing trees will be deposited in the petitioner's account. It is stated that award will be passed very shortly.



3. I direct the fourth respondent to pass an award valuing the trees that stood on the petition-mentioned land and also disburse the award amount within a period of four weeks from the date of receipt of a copy of this order.

4. With this direction to the respondents, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2023

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

To:

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Competent Authority,
District Revenue Officer(Acquisition),
Door No.567, APJ Abdul Kalam Street,
Chennavarayakanpatti,
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G.R.SWAMINATHAN,J.

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