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W.P.No.4811 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.4811 of 2024

S.Thangamani

..... Petitioner

-Versus-

1.Union of India,
Rep. By its Secretary,
Ministry of Road Transport and Highways,
New Delhi.

2.The District Collector,
O/o Collectorate,
Krishnagiri District 635 115.

3.Competent Authority & The Special District Revenue Officer,
(Land Acquisition),
National Highway-7, 46,47 & 66,
Salem-Krishnagiri District,
Krishnagiri 635 115.

..... Respondents

*Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 08.05.2023 and refer the letter Na.Ka.490/2022/(B4) dated 30.11.2022 to re-determine the compensation under Section 3-G(5) under the National Highways Act, 1956, within the time to be fixed by this court.

*[Prayer amended as per order of this court dated
25.06.2024 made in W.M.P.No.11986 of 2024]

.....Respondents



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For Petitioner : Mr.M.Rajasekhar

*For Respondent (s) : Mr.T.L.Thirumalaisamy,
CGSC for RI*

Mr.P.Sathish, AGP for RR2 & 3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 3rd respondent to consider the representation of the petitioner dated 08.05.2023 and refer the letter Na.Ka.490/2022/(B4) dated 30.11.2022 to re-determine the compensation under Section 3-G(5) of the National Highways Act, 1956, within the time to be fixed by this court.

2. It is the case of the petitioner that Award in this matter was passed on 30.11.2022. The grievance of the petitioner is that though he made an application on 08.05.2023 within six months from the date of award as per Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, no reference was made till date.

3. Heard both sides.

4. If any application is made by a person interested raising objection as to the fixation of amount of compensation within the six months time as stipulated under Section 64, the Collector has to make a reference for the determination of the amount of compensation by the Authority concerned. This was not



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admittedly done in the instant case. Therefore, the 2nd respondent is directed to refer the written objection made by the petitioner as to the determination of amount of compensation as per the law within a period of two months from the date of receipt of a copy of this order to the authority concerned for re-determination of amount of compensation for the land acquired from the petitioner.

This writ petition is disposed of accordingly with the above directions.

No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

25..06..2024

To

- 1.The Secretary, Union of India, Ministry of Road Transport and Highways, New Delhi.
- 2.The District Collector, O/o Collectorate, Krishnagiri District 635 115.
- 3.Competent Authority & The Special District Revenue Officer, (Land Acquisition), National Highway-7, 46,47 & 66, Salem-Krishnagiri District, Krishnagiri 635 115.



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N.SATHISH KUMAR.J.,
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