



W.P.(MD).Nos.8317 to 8320 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).Nos.8317 to 8320 of 2019

and

W.M.P(MD)Nos.6507 to 6510 of 2019

W.P(MD)No.8317 of 2019:

P.Paulraj

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Director,
Ministry of Road Transports and Highways
(Department of Road Transports and Highways)
Transport Bhavan,
New Delhi-110 001.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highway NH-47,
Door No.6, Thiruvalluvar Nagar,
Kesava Thiruppuram,
Vettornimadam Post,
Kanyakumari District.



W.P.(MD).Nos.8317 to 8320 of 2019

4. The Project Director,
National Highway Authority of India,
Door No.1332, Pleasant Street, Pleasant Nagar,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 19/02/2019 to award an amount of Rs.1,56,51,650/- with an additional 100% solatium, added with 12% of additional compensation .

For Petitioner : No Appearance

For R1 : Mr.H.Velavadhas

For R2 & R3 : Mr.S.P.Maharajan
Special Government Pleader

For R4 : Mr.Sachin Rahul
for M/s.Arul Vadivel Associates

W.P(MD)No.8318 of 2019:

D.Jose @ Dharmalingam

... Petitioner

Vs.

1. The Union of India,
Represented by its Director,
Ministry of Road Transports and Highways
(Department of Road Transports and Highways)
Transport Bhavan,
New Delhi-110 001.



W.P.(MD).Nos.8317 to 8320 of 2019

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highway NH-47,
Door No.6, Thiruvalluvar Nagar,
Kesava Thiruppuram,
Vettornimadam Post,
Kanyakumari District.

4.The Project Director,
National Highway Authority of India,
Door No.1332, Pleasant Street, Pleasant Nagar,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 19/02/2019 to award an amount of Rs.72,05,000/- with an additional 100% solatium, added with 12% of additional compensation.

For Petitioner : No Appearance

For R1 : Mr.H.Velavadhas

For R2 & R3 : Mr.S.P.Maharajan
Special Government Pleader

For R4 : Mr.Sachin Rahul
for M/s.Arul Vadivel Associates



W.P.(MD).Nos.8317 to 8320 of 2019

W.P(MD)No.8319 of 2019:

S.Sureshkumar

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Director,
Ministry of Road Transports and Highways
(Department of Road Transports and Highways)
Transport Bhavan,
New Delhi-110 001.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highway NH-47,
Door No.6, Thiruvalluvar Nagar,
Kesava Thiruppuram,
Vettornimadam Post,
Kanyakumari District.
- 4.The Project Director,
National Highway Authority of India,
Door No.1332, Pleasant Street, Pleasant Nagar,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 19/02/2019 to award an amount of



W.P.(MD).Nos.8317 to 8320 of 2019

Rs.2,07,20,000/- with an additional 100% solatium, added with 12% of additional compensation.

For Petitioner : No Appearance
For R1 : Mr.S.Jeyasingh
For R2 & R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 : Mr.Sachin Rahul
for M/s.Arul Vadivel Associates

W.P(MD)No.8320 of 2019:

C.Krishnan

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Director,
Ministry of Road Transports and Highways
(Department of Road Transports and Highways)
Transport Bhavan,
New Delhi-110 001.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highway NH-47,
Door No.6, Thiruvalluvar Nagar,
Kesava Thiruppuram,
Vettornimadam Post,
Kanyakumari District.



W.P.(MD).Nos.8317 to 8320 of 2019

4. The Project Director,
National Highway Authority of India,
Door No.1332, Pleasant Street, Pleasant Nagar,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 19/02/2019 to award an amount of Rs.67,00,000/- with an additional 100% solatium, added with 12% of additional compensation.

For Petitioner	: No Appearance
For R1	: Mr.S.Jeyasingh
For R2 & R3	: Mr.S.P.Maharajan Special Government Pleader
For R4	: Mr.Sachin Rahul for M/s.Arul Vadivel Associates

COMMON ORDER

By this common order, all the four writ petitions are being disposed of.

2. There is no representation on behalf of the petitioners.

3. In these writ petitions, the respective petitioners have prayed for identical relief for enhancement of the award amount awarded under the



W.P.(MD).Nos.8317 to 8320 of 2019

provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. It appears that the lands of the petitioners were acquired by the 2nd respondent for the purpose of laying National Highways-47 by the 1st and 4th respondents. It appears that these petitioners have also received the compensation and thereafter, they have sent a representation to the 3rd respondent for enhancement of the compensation.

5. The 4th respondent in his counter has referred to Section 3 (G) (V) of the National Highways Act, 1956. It is submitted that after the compensation has awarded by the competent authority, the competent authority becomes *functus officio* and therefore, if the petitioners are aggrieved by the compensation awarded, they have to approach the 2nd respondent / Arbitrator in the form of a petition. The submission of the 4th respondent has not been countered by the petitioner.

6. A reading of Section 3 (G) (5) of the National Highways Act, 1956 indicates that the petitioner has to only approach the 2nd respondent who is the



W.P.(MD).Nos.8317 to 8320 of 2019

Arbitrator. Under these circumstances, these writ petitions are dismissed with liberty to the petitioner to approach the 2nd respondent in accordance with Section 3 (G) (5) of the National Highways Act, 1956. If such applications are filed by the respective petitioners, the same shall be considered by the 2nd respondent and disposed in accordance with provisions of the National Highways Act, 1956 and in the light of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. With the above said liberty, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.08.2024

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

To

1. The Union of India,
Represented by its Director,
Ministry of Road Transports and Highways
(Department of Road Transports and Highways)
Transport Bhavan,
New Delhi-110 001.



W.P.(MD).Nos.8317 to 8320 of 2019

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Competent Authority and
Special District Revenue Officer,
(Land Acquisition),
National Highway NH-47,
Door No.6, Thiruvalluvar Nagar,
Kesava Thiruppuram,
Vettornimadam Post,
Kanyakumari District.



WEB COPY



W.P.(MD).Nos.8317 to 8320 of 2019

C.SARAVANAN, J.

gbg

W.P.(MD).Nos.8317 to 8320 of 2019

01.08.2024