



W.P.(MD) No.21172 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21172 of 2024

Joseph Ligorì

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Competent Authority &
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.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the first respondent



W.P.(MD) No.21172 of 2024

to pass orders on the application dated 27.04.2024 filed under section 31(1) of Act 30 of 13 by conducting Rehabilitation and Resettlement enquiry as per Section 31(1) and pass an award as stated in Section 31(1) for all the entitlement as per Schedule-II to the petitioner.

For Petitioner : Mr.G.Justin
For RR1 & 3 : Mr.P.Thambidurai
Government Advocate
For R2 : Mr.Su.Srinivasan

ORDER

The writ petitioner has approached this Court seeking a mandamus to the first respondent to pass orders on the application filed by him on 27.04.2024 under Section 31(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (hereinafter referred to as “Act 30 of 2013”) and pass an award as contemplated under the aforesaid Act for the entitlement as per Schedule-II.



W.P.(MD) No.21172 of 2024

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2. The petitioner's case is that he is the owner of the lands measuring an extent of 7 cents in S.No.562/15 at Thiruvathancode Village, Kalkulam Taluk, Kanyakumari District. An extent of 280 sq. mt. in this survey number was acquired together with neem tree. The petitioner's contention is that the compensation that was paid was not in conformity with Sections 28 and 29 of Act 30 of 2013. Originally as per the Award, a certain sum was paid to the petitioner as compensation. The award was redetermined by passing a determination award. Against this modified award, the petitioner has filed an appeal under Section 3G(5) of the National Highways Act, 1956 before the Arbitrator and an arbitral award was passed on 01.04.2012 in respect of the entire village by fixing the guideline value as market value.

3. The petitioner's grievance is that respondents 1 and 2 had not taken into consideration the benefits that are available to the land owners under Act 30 of 2013. Therefore, the Government had issued directions to the authorities to redetermine the award passed, as per the provisions



W.P.(MD) No.21172 of 2024

of Act 30 of 2013 with regard to the fixation of compensation. The Government of India had also notified that the provisions of the Act 30 of 2013 would be applicable to lands acquired under the National Highways Act as well for the purpose of calculating the compensation payable and the benefits to the owner. Therefore, the petitioner had filed an application before the first respondent claiming the statutory benefits provided under Section 31(1) of Act 30 of 2013. This application, which was filed on 27.04.2024 is yet to be taken up for enquiry and orders have to be passed by the first respondent. Therefore, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Mr.P.Thambidurai, learned Government Advocate would submit that the first respondent will consider and pass orders on the application of the petitioner within a period of two months.



W.P.(MD) No.21172 of 2024

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6. In the light of the submission made by the learned Government Advocate, this Writ Petition is allowed and a direction is issued to the first respondent to dispose of the said application within a period of two months from the date of receipt of a copy of this order. No costs.

05.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Project Director cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil-629 003,
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W.P.(MD) No.21172 of 2024

P.T.ASHA, J.

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W.P.(MD) No.21172 of 2024

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