



W.P.(MD) No.21215 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21215 of 2024

Joseph Ligor

.. 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 1st respondent 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



W.P.(MD) No.21215 of 2024

entitlement for as per Schedule - II to the petitioner.

For Petitioner : Mr.G.Justin
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.Su.Srinivasan

ORDER

This writ petition is filed for a mandamus to the 1st respondent to pass orders on his application, dated 27.04.2024 filed under Section 31(1) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) by conducting Rehabilitation and Resettlement enquiry.

2. The petitioner's contention is that he is the owner of lands comprised in Survey No.17/4 measuring an extent of 33 cents of Eranial Village, Kalkulam Taluk, Kanyakumari District. An extent of 602 sq.mtr from out of this land together with trees were acquired under the National Highways Act. Since the compensation provided was not equivalent to the market value, a modification award was passed and



W.P.(MD) No.21215 of 2024

challenging the same, the petitioner had filed an appeal under Section 3G (5) of the National Highways Act before the Arbitrator and an arbitration award was passed which is implemented for the entire village by fixing the guideline value as on 01.04.2012 as the market value. Since the respondents 1 and 2 had not considered the benefits available to the land owner as per Act 30 of 2013, the Government of India had issued directions to the authorities by refixing the compensation in tune with the provisions of Act 30 of 2013. The Government of India had also notified that the provisions of Act 30 of 2013 would apply in respect of lands acquired as per the National Highways Act with reference to compensation payable and the benefits as per Section 31 (1) of Act 30 of 2013. The petitioner had accordingly filed an application before the 1st respondent on 27.04.2024 which has not been dealt with. Hence, the writ petition.

3. Considering the above request and on the submissions of the learned counsels for the respondents, a Mandamus is issued to the 1st respondent to consider the application of the petitioner, dated 27.04.2024



W.P.(MD) No.21215 of 2024

and pass appropriate orders within a period of two (2) months from the date of receipt of copy of this order.

4. With the above directions, this Writ Petition stands allowed. No costs.

06.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

gbg

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD) No.21215 of 2024

P.T.ASHA, J.

gbg

W.P.(MD) No.21215 of 2024

06.09.2024