



W.A.(MD).No.1397 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD).No.1397 of 2017

and

C.M.P.(MD).No.10189 of 2017

Dr.R.Mohandhas

... Appellant

Vs.

- 1.The Government of India
represented by its Secretary,
Ministry of Road and Transport and Highways,
Parivahan Bavan,
No.1, Parliament Street,
New Delhi.
- 2.The Chairman,
National Highways Authority of India,
G-5 and 6 Sector – 10, Dwarka,
New Delhi 110 075.
- 3.The Chief General Manager,
Chennai Region,
National Highways Authority of India,
8th Floor, Annex Building, SPIC House,
88, Mount Road,
Guindy,
Chennai -32.



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4.The Project Director,
National Highways Authority of India,
112, Rahmath Nagar East,
Tirunelveli Tuticorin Road,
Tirunelveli -11.

5.The Competent Authority,
The Special Revenue Divisional Officer,
(Land Acquisition), National Highways,
Collector's Office Campus,
Nagercoil 629 001,
Kanyakumari District.

... Respondents

Prayer: Writ Appal is filed under Clause 15 of Letters Patent, against the order of this Court in W.P.(MD).No.1374 of 2017, dated 09.10.2017.

For Appellants : Mr.S.Palani Velayutham
For R1 : Mr.C.Nandagopal
For R2 to R4 : Mr.Su.Srinivasan

J U D G M E N T

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

The writ petitioner has filed this writ appeal against the order of the learned single Judge passed in W.P.(MD).No.1374 of 2017, dated 09.10.2017.

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2. The above said writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider and dispose the acquisition proceedings with reference to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and also pass necessary orders thereupon and further direct the respondents to award necessary compensation as per Section 93(2) of the said Act on considering the facts and circumstances of the said case. The learned single Judge of this Court disposed of the writ petition, granting liberty to the petitioner to file necessary appeal under Section 3-G(5) of the Act before the concerned authority, namely, District Collector within a period of two weeks from the date of receipt of a copy of that order and on such appeal being filed, the same shall be entertained without raising any objections as to the limitation aspect and suitable orders be passed thereon on merits and in accordance with law as expeditiously as possible, after affording due opportunity of hearing to the petitioner and the respondents. Challenging the same, the present writ appeal has been filed by the writ petitioner.



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3. Heard the learned counsel for the appellant/writ petitioner and the learned counsels appearing for the respondents and perused the materials available on record.

4. The said writ petition was heard along with three other connected matters and by common order dated 09.10.2017, the same was disposed of, granting liberty to the writ petitioners to file necessary appeal under Section 3-G(5) of the Act before the concerned authority, namely, District Collector within a period of two weeks from the date of receipt of a copy of that order and on such appeal being filed, the same shall be entertained without raising any objections as to the limitation aspect and suitable orders be passed thereon on merits and in accordance with law as expeditiously as possible, after affording due opportunity of hearing to the petitioner and the respondents. Without exhausting the appeal remedy available to him, the writ petitioner has approached this Court by way of filing this writ appeal. Therefore, we find that there is no error in the order passed by the learned single Judge in W.P. (MD).No.1374 of 2017, dated 09.10.2017.



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5. In the result, this Writ Appeal is dismissed, confirming the order dated 09.10.2017 in W.P.(MD).No.1374 of 2017, passed by this Court. No costs. Consequently, the connected Miscellaneous Petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
11.03.2024

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

akv

To

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