



W.P.(MD) No.17545 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.17545 of 2017

and

W.M.P.(MD) No.14079 of 2017

and

W.M.P.(MD) No.18000 of 2023

K.Pasupathy

.. Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District.
- 2.The Special District Revenue Officer,
Land Acquisition National Highways,
Near Collector Office,
Nagercoil, Kanyakumari District.
- 3.The Special Tahsildar,
Land Acquisition National Highways,
Door No.6, Thiruvalluvar Nagar,
Kesava Thirapuram, Vettoorani Madam Post,
Nagercoil, Kanyakumari District.
- 4.The Project Director,
National Highways Authority of India,
No.314 E, K.P.Road,



W.P.(MD) No.17545 of 2017

Near Ayappan Koil,
Parvathipuram, Nagercoil-629003.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the Respondents from taking possession of the petitioner's agricultural land in Survey No. 730/6, to an extent of 0.32.5 Ares, Kulasekarapuram village, Agastheswaram Taluk, Kanyakumari District, without resorting to the procedure established in Sections 3-D, 3-E, and 3-G of the National Highways Act, 1956.

For Petitioner	:	Mr.K.Rajasekar
For R1 to R3	:	Mr.P.Thambidurai Government Advocate
For R4	:	Mr.S.Sankarapandian for M/s.Arulvadivel Associates

ORDER

The petitioner has filed this writ petition for a mandamus forbearing the respondents from taking possession of the petitioner's agricultural land in Survey No.730/6, to an extent of 0.32.5 Ares, Kulasekarapuram village, Agastheswaram Taluk, Kanyakumari District without resorting to the procedure established in Sections 3D, 3E, and 3G of the National Highways Act, 1956.



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2. The fourth respondent has filed a counter, wherein at Paragraph No.7, it has been stated as follows:

“7. It is submitted that the above land in Survey Number 730/2 which includes the petitioner's land was acquired following all the required statutory provisions without any lapse. Subsequently the Collector has ordered to issue patta to the petitioner. Then the 4th Respondent had requested the 2nd Respondent/Competent Authority for Land Acquisition in his letter No. NHAI/PIU/NGL/NH-47/LA/2016/782, dated 24.08.2016 to send modification award for the petitioner's land in Survey Number 730/6 with reference to the land value fixed in the Original Award for payment of compensation to the petitioner. Accordingly, the 2nd Respondent had issued Modification Award No.3/2013-20 dated 13.01.2017. The compensation awarded to the petitioner was not credited into his bank account as he has not produced his bank account details. The compensation amount for R.S.No.730/2 & 730/5 was credited in the Bank Accounts of brothers of the petitioner for their respective lands.”



W.P.(MD) No.17545 of 2017

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3. In the light of the above, the petitioner is directed to approach the fourth respondent and furnish his bank accounts. A sum of Rs.1,01,785/-, which has been fixed as the compensation, will thereupon be paid to the petitioner by the respondents within a period of four weeks from the date of furnishing of the bank account details.

4. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2024

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

abr



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P.T.ASHA, J.

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