

W.P.(MD)No.22932 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.22932 of 2023

and

W.M.P.(MD)No.19146 of 2023 and 5854 of 2024

Rajeswari

...Petitioner

/Vs./

1.The National Highways Authority of India,
Transport and Highways,
G5 & 7 Sector-10,
Dwarka, New Delhi-110 075.

2.The District Collector,
Madurai District, Madurai.

3.The Special District Revenue Officer,
(LA-NH-744A),
5A, Pesant Road,
Baskar Complex,
Chinna Chokkikulam,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records in notification Na.Ka.No.A1/210/2022 dated 18.02.2022 on the file of 1st respondent and Na.Ka.No.A1/1357-03, 04, 05/2022, dated 02.01.2023 on the file of 3rd respondent quash the same insofar as petitioner is concerned and consequently direct the respondents to pay compensation with interest and solatium based on previous notification dated



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28.04.2018 in Na.Ka.No.46657/2017/B3 in S.No.52/1, 52/4, 52/5 total extent 4195 Sq.meter along with proper compensation of Trees like 1. Teak-10, 2. Guava - 200, 3. Papaya-50 with interest and solatium.

For Petitioner : Mr.J.Gunaseelan Muthiah
For R1 : Mr.P.Karthik
Standing Counsel
For R2 and R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition is filed for a writ of Certiorarified mandamus challenging the order dated 18.02.2022 on the file of the first respondent in Na.Ka.No.A1/210/2022 and quash the same insofar as the petitioner is concerned and for a consequential direction to the respondents to pay the compensation with interest and solatium.

2.The petitioner owned lands in S.No.52/1, 52/4, 52/5 at Kondaiyampatti Village. The second respondent, Special District Revenue Officer acquired the petitioner's land for formation of Thathampatti to Chittampatti ring road on 29.04.2018. The following categories of the petitioner's lands were acquired by the second respondent:

“Kondaiyampatti Village in S.No.30/1A1, Punja land 2,325 sq.meter,

Kondaiyampatti Village in S.No.30/2A1, Punja land 623 sq.meter,

Kondaiyampatti Village in S.No.52/1B, Punja land 3,174 sq.meter



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Kondaiyampatti Village in S.No.52/4B, Punja land 307 sq.meter,
Kondaiyampatti Village in S.No.52/5B, Punja land 1,044 sq.meter,
Kondaiyampatti Village in S.No.53/3D1 punja land 478 sq.meter,
Kondaiyampatti Village in S.No.53/1B1 Punja land 27 sq.meter
Kondaiyampatti Village in S.No.53/1B punja land 63 sq.meter.”

3.The aforesaid lands were acquired along with the trees. As per the notification, 12,236 sq.meter of land was acquired by the third respondent. Compensation of a sum of Rs.2,51,41,405/- for 8,041 sq.metr of land alone was disbursed. According to the petitioner, for the remaining extent of lands to an extent of 4,195 sq.meter, the compensation amount was not disbursed. Therefore, the petitioner sent notice to the respondent. However, the respondents disbursed the amount without any calculation to the tune of Rs.15,01,763/- for 4,195 sq.meter. Further, the compensation for the trees in the acquired land was not disbursed to the petitioner. Hence, the petitioner sent a representation dated 17.11.2022. Thereafter also, the petitioner sent several representations, including the last one on 13.07.2023, to disburse the compensation amount. However, as no amount was paid by the second respondent, the petitioner filed the above writ petition for the aforesaid relief.

4.At the time of hearing, the learned counsel for the petitioner

<https://www.mhc.tn.gov.in/judis> submitted that though the larger relief was sought in the writ petition, it



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would be suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 13.07.2023 within the time stipulated by this Court.

5.Considering the limited prayer of the learned counsel for the petitioner, a direction is issued to the third respondent to dispose of the petitioner's representation dated 13.07.2023 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.01.2025

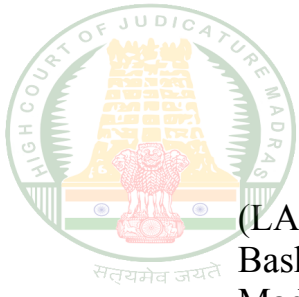
Index : Yes / No
NCC : Yes / No
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To

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2.The District Collector,
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N.MALA, J.

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