ABSTRACT

Land Acquisition – National Highways – Land Acquisition for reconstruction of Kuzhithurai bridge at Km.604/4 of NH 47 – Land Acquisition Original Petition Case No.4/97 - – Deposit of balance enhanced compensation in the Sub Court, Kuzhithurai – Sanction - Orders – Issued.

Highways and Minor Ports (HV2) Department

G.O.(Ms) No.111 Dated 01-11-2016.

துன்முகி – ஐப்பசி 16 – திருவள்ளுவர் ஆண்டு 2047.

Read:-

1. G.O.(Ms) No.263, Highways and Minor Ports (HV2) Department, dated 29.10.2008.
2. G.O.(Ms) No.180, Highways and Minor Ports (HV2) Department, dated31.10.2013.
3. From the Collector of Kanniyakumari District Letter No.E2/37195/ 2007, dated 29.10.2015 and 17.03.2016.
4. From the Chief Engineer (National Highways), Highways Department Letter No.25037/Sa.1/NH/ 1988, dated 23.02.2016 and 28.03.2016.
5. G.O.(Ms) No.73, Highways and Minor Ports (HV2) Department, dated 04.05.2016.
6. From the District Collector, Kanniyakumari, D.O. Letter No. E2/37195/2007, dated 11.04.2016, 15.04.2016 and 28.07.2016.

ORDER:-

In Government Order first read above, orders were issued for sanctioning a sum of Rs.2,18,05,066/- to deposit 50% of enhanced compensation for the following 24 Land Acquisition Original Petition cases relating to lands acquired for the work of construction of bridge at Kuzhithurai at Km.604/4 of N.H.47 in the Sub Court, Kuzhithurai.

Sl.No.	L.A.O.P. No.	50% enhanced compensation amount (Rupees)
1.	22/97	3,86,336
2.	17/97	5,95,777
3.	32/97	8,11,592
4.	3/97	8,91,738
5.	10/97	7,74,467

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6.	23/97	3,75,325
7.	26/97	3,79,038
8.	6/97	10,90,514
9.	9/97	18,36,871
10.	13/97	8,47,059
11.	14/97	8,65,371
12.	12/97	22,91,664
13.	24/97	3,48,171
14.	16/97	12,53,426
15.	4/97	9,61,851
16.	7/97	10,38,362
17.	11/97	4,53,188
18.	29/97	12,92,379
19.	15/97	5,18,641
20.	1/97	20,52,757
21.	5/97	7,56,764
22.	25/97	4,38,213
23.	28/97	13,22,491
24.	31/97	2,23,071
	Total:	**2,18,05,066**

2. In Government Order second read above, orders were issued for sanctioning a sum of Rs.69,59,619/- towards 50% of balance enhanced compensation for the following 12 LAOP cases for depositing in Sub Court, Kuzhithurai.

Sl.No.	LAOP No.	50% of balance enhanced compensation. (Rupees)
1.	3/97	9,38,524
2.	4/97	7,29,877
3.	14/97	8,22,601
4.	16/97	11,76,162
5.	17/97	6,59,824
6.	32/97	4,33,817
7.	24/97	1,14,551
8.	22/97	3,66,026
9.	18/97	3,32,574
10.	20/97	1,06,082
11.	27/97	5,16,343
12.	30/97	7,63,238
	Total:	**69,59,619**

3. The District Collector, Kanniyakumari in his letter third read above, has stated that an extent of 3.6309 cents in T.S.No.A4/9-1 of Vilvancode village belonging to Tmt. Usha Devi, W/o. Shadanan Nair were also acquired. The land value fixed by the Land Acquisition Officer as Rs.7,238/- per cent and the value of 3 buildings at Rs.1,69,345/-. The compensation amount of Rs.3,24,636/- was awarded to the land owners as per the Award No.1/95-96, dated 30.05.1996 and the land owner filed Land Acquisition Original Petition No.4/1997 in the Sub Court, Kuzhithurai for enhancement

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of compensation. The Sub Court, Kuzhithurai enhanced the rate and fixed the value of the land in T.S.No.A4/9-1 as Rs.55,000/- per cent and the value of structure is at Rs.4,12,328/-.

4. The District Collector, Kanniyakumari has also stated that since, the enhanced value of the land is more than 3 times of the value fixed by the Land Acquisition Officer and an appeal was preferred before the Hon'ble Madurai Bench of Madras High Court in ASSR 8776/2008 and the same is pending and the Hon'ble High Court allowed the MP(MD) No.1/2008 in AS(MD) SR No.8766/2008 filed for condoning the delay in filing appeal with a cost of Rs.1000/-.The cost was not paid within the stipulated time and action is being pursued to restore the suit and requested the Government to sanction a sum of Rs.3,36,446/- for depositing in the court in order to avoid attachment proceedings and also the Chief Engineer (National Highways), Highways Department who was consulted in this regard has also requested the Government to sanction an amount of Rs.3,36,446/- for LAOP No.4/1997 taking into account of urgency of the issue and to avoid attachment of Government properties as well as embarrassment to Government officials.

5. In the Government order fifth read above, accorded sanction for a sum of Rs.3,36,446/- to deposit enhanced compensation for the LAOP No.4/97, filed by Tmt. Usha Devi in the Sub Court, Kuzhithurai.

6. The District Collector, Kanniyakumari has again reported that in this case, the land owner has filed a calculation sheet claiming additional amount of Rs.1,93,724/- including additional market value of 12% under Section 23(1A) of the Land Acquisition Act 1894 on the Solatium amount and the Sub Court has accepted the amount of claim and the petition filed on the respondent side was rejected and ordered to deposit the entire amount of Rs.5,30,170/- with the observation that if the total compensation has been reduced, on appeal the amount deposited can be withdrawn later by the Government through court proceedings.

7. The District Collector, Kanniyakumari has requested that taking consideration of the order of the court and to avoid attachment of Government properties requested orders of the Government for sanction of an additional sum of Rs.1,93,724/- (Rupees One lakh, ninety three thousand, seven hundred and twenty four only) in this regard.

8. The Government, after careful consideration have decided to accept the proposal of the District Collector, Kanniyakumari and accordingly, sanction is accorded for an additional sum of Rs.1,93,724/- (Rupees One lakh, ninety three thousand, seven hundred and twenty four only) to deposit in Kuzhithurai Sub Court. The Chief Engineer (National Highways), Highways Department is directed to confirm the correctness of the interest calculation and the enhanced compensation amount.

9. The expenditure sanctioned in Para-8 above shall be debited to the following head of account:-

"L.Suspense and Miscellaneous (C) Other Accounts- 8674.00 Security Deposits made by Government – 101 – Security Deposits made by Government – AB – Security Deposits made with courts". (Outgo) (DPC" 8674-00-101-AB-0004)

The above sanctioned amount shall not be paid in cash and credited in to the following Head of Account:-

"K.Deposits and Advances (b) Deposits not bearing interest – 8443 00 – Civil Deposits -104 - Civil Courts Deposits – AA – Civil Courts Deposits". (Receipts)

(DPC: 8443-00-104-AA-000B)

10. The Chief Engineer (National Highways), Chennai is authorized to draw and deposit the amount in Sub Court, Kuzhithurai.

11. The Chief Engineer (National Highways), Highways Department, Chennai-25 is directed to make necessary adjustment in the respective head of account and also pursue further action for getting reimbursement from the Ministry of Road Transport and Highways, Government of India.

12. This order issues with the concurrence of Finance Department vide its U.O.No.55399/Fin.(PW1)/2016, dated 25.10.2016.

(By order of the Governor)

Rajeev Ranjan,
Additional Chief Secretary to Government.

To
The Chief Engineer (National Highways), Highways Department, Chennai-600025.
The District Collector, Kanniyakumari @ Nagercoil.
The Divisional Engineer (National Highways), Nagercoil.
The District Revenue Officer, Kanniyakumari District.
The Secretary to Government of India, Ministry of Road Transport and Highways, Transport Bhavan, New Delhi-110001.
The Accountant General, Chennai-18.
The Pay and Accounts Officer (East), Chennai-600008.
The Treasury Officer, Nagercoil.

Copy to:-
The Senior Special Personal Assistant to Hon'ble Minister (Highways and Minor Ports), Chennai-600 009.
The Private Secretary to Additional Chief Secretary to Government, Highways and Minor Ports Department, Chennai-600 009.
The Finance (PW.1) Department, Chennai-600 009.
C.No.13737/HV2/2015.
SF/SC.

// Forwarded By Order //

Section Officer.

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