

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.828 of 2017

N.Dhanapal

.. Petitioner

-vs-

1. The District Collector
Salem District
Salem
2. The District Revenue Officer
Salem District
Salem
3. The Competent Authority and Special
District Revenue Officer
Land Acquisition
NH 7, 46 & 47
Salem-Dharmapuri Districts
Camp: Krishnagiri .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the petition of the petitioner dated 18.12.2012 and to award enhanced compensation of Rs.51,53,450/- (Rupees fifty one lakh fifty three thousand four hundred fifty only) and an additional award for the well, tree, 10% additional value towards user's right compensation as prayed for by the petitioner with respect to property admeasuring 748 square meter consisting of land and building comprised in Survey No.69/1B situated at Nilvarapatty Village, Salem Taluk and District.

For Petitioner :: Mr.G.Rajan

For Respondents :: Mr.R.Govindasamy
Special Government Pleader

ORDER

The land belonging to the petitioner admeasuring 748 square meter with building comprised in Survey No.69/1B situated at Nilvarapatty Village, Salem Taluk and District was acquired by the third respondent-competent authority for expansion of National Highways No.7 in proceedings bearing ROC.No.1001/2007 (A) dated 24.10.2007. Subsequently, the third respondent also

fixed the compensation at Rs.22,10,515/- in proceedings bearing No.1001/2007 (A1) dated 9.5.2008 after conducting field inspection of the petitioner's property. After more than four and half years from the date of fixing of the compensation, the petitioner claims to have given a detailed representation on 18.12.2012 to the respondents 1 and 2 enclosing a copy of the award dated 17.4.2007 passed in respect of the nearby land along with valuation certificate issued by the Government approved chartered engineer together with the pictures of his land and his sago factory with a further prayer for enhancement of the compensation. Since the said representation has not been considered, he has come to this Court.

2. This Court is not inclined to entertain the writ petition. The reason is that when the award was admittedly passed on 17.4.2007, the third respondent has fixed the compensation at Rs.22,10,515/- on 9.5.2008. Therefore, if the petitioner is really aggrieved, he should have made an application for enhancement before the Collector within six weeks from the date of the Collector's award. In other words, within six weeks of the receipt of the notice from the Collector under sub-section (2) of Section 12 or within six months from the date of the Collector's award, whichever period shall first expire. In the present case, the petitioner has slept over the matter. When the award was passed on 17.4.2007 and the compensation was also paid on 9.5.2008, the very admission made by the petitioner that he made a detailed representation only on 18.12.2012 after more than four and half years cannot be discarded. Therefore, the writ petition fails and it is dismissed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Salem District
Salem
2. The District Revenue Officer
Salem District
Salem

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3. The Competent Authority and Special
District Revenue Officer
Land Acquisition
NH 7, 46 & 47
Salem-Dharmapuri Districts
Camp: Krishnagiri

+1 cc to M/s.G.Rajan,advocate,sr.2871.

rp(co)
krd 1/2

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