

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9484 of 2018

N.Loganathan

... Petitioner

v.

1. The District Collector-cum-Arbitrator,
Thiruvallur District.
2. The District Revenue Officer (LA),
National Highways,
Thiruvallur District, Kancheepuram.
3. The Special Thasildar (LA),
O/o Thasildar, National Highways,
2nd Floor, Poonamallee,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 27.03.2018 and permit the petitioner to participate in the Arbitration as per the Arbitration Clause under the National Highways Act, 1956, so that the petitioner may get better compensation, since other beneficiary of land acquisition who had participated in the Arbitration and were awarded enhancement of compensation.

For Petitioner : M/s.J.C.Durairaj

For Respondents : Mr.D.Raja, AGP

ORDER

Mr.D.Raja, learned Government Advocate takes notice for the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The case of the petitioner is that the land measuring an extent of 250 sq.mts. in Survey No.110/2A at Kathirvedu Village in Tiruvallur District belongs to the petitioner, which was acquired by the respondents for the purpose of construction of Chennai by-pass (Phase-II), connecting National Highways 4 and

5, by an order dated 28.03.2007. The Special District Revenue Officer (LA), National Highways, Kancheepuram and Thiruvallur has passed an award determining the compensation and not satisfying with the quantum, the petitioner gave a representation dated 03.04.2017 seeking enhancement of compensation. Since no action was taken, he gave representations on 12.02.2018 and 27.03.2018. Even then no favourable reply is forthcoming, hence the present Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that in respect of the other land owners in Kathirvedu Village, the respondents have enhanced the compensation, but the petitioner was singled out. It is further submitted that the petitioner would be satisfied, if a direction is issued to the respondents to consider his representation.

4. The learned Additional Government Pleader submitted that the petitioner has not produced any proof for sending representation on 03.04.2017 and the first respondent is ready to consider the representation of the petitioner dated 27.03.2018 in accordance with law.

5. In the light of the above submissions and the facts of this case, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner, dated 27.03.2018 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

pvs

To

1. The District Collector-cum-Arbitrator,
Thiruvallur District.

2. The District Revenue Officer (LA),
National Highways,
Thiruvallur District, Kancheepuram.

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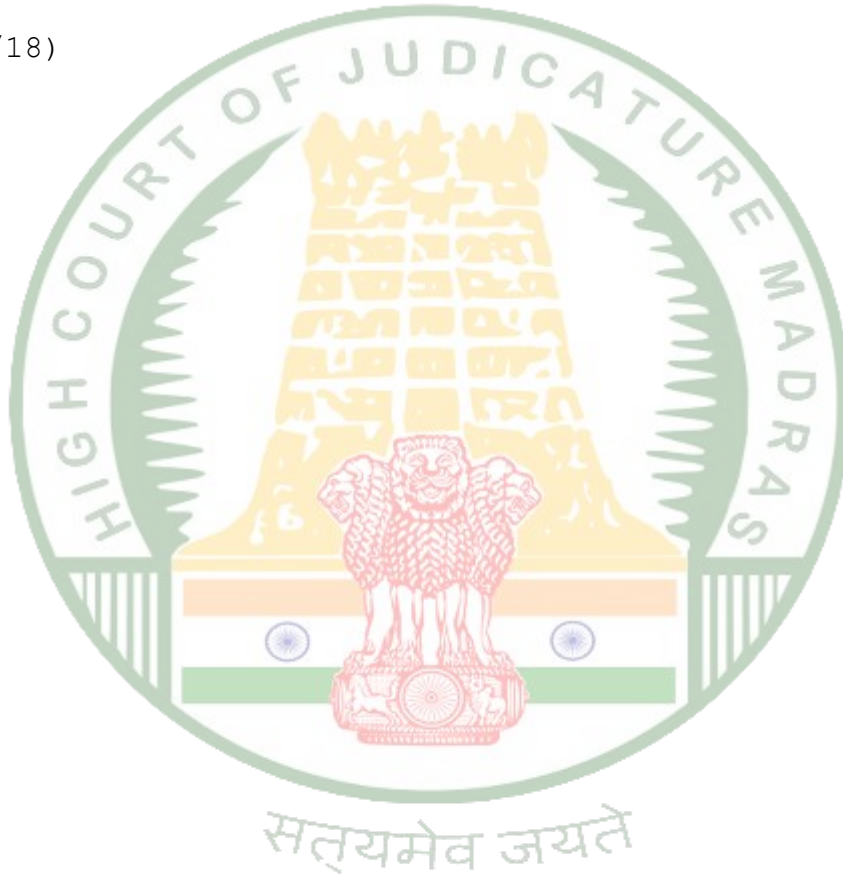
3. The Special Thasildar (LA),
O/o Thasildar,
National Highways,
2nd Floor, Poonamallee,
Chennai.

+1cc to Mr.J.C.Durairaj, Advocate, sr.no.29024

W.P.No.9484 of 2018

KAN (CO)

RRK (29/05/18)



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