

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.2125 of 2018

Mr. Rasappan

...Petitioner

Versus

The District Collector,
Office of the District Collector,
Erode District,
Erode - 638 011.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in the proceedings before the respondent dated 11.01.2017 pertaining to NH 47/Arbitration/2015, to quash the same and direct the respondent to refer the case for enhancement of the award for the lands acquired from the petitioner.

For Petitioner : Mr. S. Kaithamalaikumaran

For Respondent : Mr. Akhil Akbar Ali,
Government Advocate

O R D E R

The case of the petitioner is that his property was acquired under the provisions of the National Highways Act, 1956 and an award was passed on 26.12.2017. Thereafter, the petitioner had made a representation under Section 3G(5) of the said Act to make a reference for arbitration to arbitrate the issue as the petitioner was not satisfied with the quantum of compensation awarded. The said representation was tendered on 18.02.2008 and the office of the Collector, Erode has received the same in Petition No.2184 dated 18.02.2008. As the petitioner has not received any further information on that, he filed representation on 02.01.2017 and it was promptly responded too by the authority concerned, i.e., Special Tahsildar, Land Acquisition that no such representation was available as per the files available with the authorities.

2. Mr.Akhil Akbar Ali, the learned Government Advocate takes notice for the respondent. By consent, this matter is disposed of finally.

3. It is now seen from the representation of the petitioner dated 02.01.2017 that he had brought to the notice of the respondent about the receipt issued by it in Petition No.2184 dated 18.02.2008. Therefore, the petitioner is directed to make a fresh representation within four weeks from the date of

receipt of a copy of this order along with a copy of the receipt issued by the Collector, Erode dated 18.02.2008, whereupon, the authorities are required to verify their record and pass an order.

4. In the eventuality of the authorities not able to trace any earlier representation of the petitioner, they are directed to re-construct the same as per law, as if the same was filed on 18.02.2008.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mrr

To

The District Collector,
Office of the District Collector,
Erode District,
Erode - 638 011.

+ 1 cc to MR. Government Pleader Sr.9736

+ 1 cc to Mr. A.K. Kumarasamy, Advocate Sr.7566

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CA(CO)
EU(26/02/2018)

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