

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDHASAN

W.P.No.22884 of 2018

Kasiammal

...Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Special Thasildar,
(Land Acquisition),
National Highways - 66,
Range - II,
Krishnagiri,
Krishnagiri District.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 06.08.2018 in accordance with law and refer the matter for competent concerned Court for adjudication for fair compensation to secure the ends of justice.

For Petitioner : Mr.R.Sankara Subbu

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

The Writ Petition has been filed seeking a direction to the first respondent/District Collector to consider the petitioner's representation dated 06.08.2018.

2. The grievances of the petitioner is that the petitioner's land was acquired for public purpose under the provision of National Highways Act. Thereafter, an award has been passed for a sum of Rs.5,84,444/- and not being satisfied with the award, the petitioner submitted a representation dated

06.08.2018 to the first respondent/District Collector, seeking for enhancement of the award. Since the said representation has not yet been considered, hence, the present writ petition has been filed by the petitioner.

3. The learned counsel for the respondents submitted that if the petitioner is not satisfied with the award passed, the remedy is by way of filing an Arbitration proceedings under Section 3G (5) of the National Highways Act and mere filing of a representation seeking enhancement is not sufficient.

4. Considering the facts and circumstances, since limited prayer is sought seeking a direction to the first respondent to consider the petitioner's representation for enhancement of compensation, the first respondent is directed to consider the representation of the petitioner dated 06.08.2018 and pass appropriate orders on merits and in accordance with law, after giving an opportunity to the petitioner as well as to the Acquisition Officer within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dna

To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Special Thasildar,
(Land Acquisition),
National Highways - 66,
Range - II, Krishnagiri,
Krishnagiri District.

+1cc to Mr.R.Sankara Subbu, Advocate, S.R.No. 68093

W.P.No.22884 of 2018

CP (CO)
GN(22/11/2018)