

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7125 of 2019 &
W.M.P.Nos.7854 & 7855 of 2019

R.Shanmugapriya

... Petitioner

Vs.

1.The Special District Revenue Officer
(Land Acquisition),
National Highway 47 & 209,
8, Savarimuthu Chettiyar Street,
Puliyakullam, Coimbatore - 641 045.

2.National Highway Authority of India,
11/1, Kongu Nagar East,
Backside Appaswamy Apartments,
Ramanathapuram, Coimbatore - 641 045.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus, to call for the records culminated in the proceedings in pursuance of the Notice dated 12.02.2019, in Ref.No.13/2017 A1, on the file of the respondents and quash the same; grant an order directing the respondents to value the petition property as per the prevailing market value and pay legal, valid, fair and reasonable compensation as per the New Acts, Rules, and forbear the respondents from demolishing the petition property until the recalculated compensation is paid to the petitioner in accordance with law.

For Petitioner : Mr.S.R.Sundaram

For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

Mr.D.Raja, learned Additional Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Challenging the notice issued by the first respondent under Section 3 E of the National Highways Act, dated 12.02.2019, this Writ Petition has been filed.

3. The main ground raised by the learned counsel for the petitioner is that the petitioner is entitled for enhancement of compensation. According to the petitioner, the building has not been properly valued by the Competent Authority and hence, seeks to quash the impugned notice.

4. The learned Additional Government Pleader appearing for the respondents would submit that as against the order passed by the first respondent / Special District Revenue Officer, the petitioner has to file an appeal before the Arbitrator / District Collector, by raising all his grounds. Without exhausting such remedy, filing of Writ Petition before this Court is not maintainable and hence, prays for dismissal of the Writ Petition.

5. In view of the above submissions, this Writ Petition is not maintainable. However, liberty is given to the petitioner to raise all his grounds before the Appellate Authority / Arbitrator under the provisions of the Act, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above observations, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Special District Revenue Officer
(Land Acquisition),
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2.National Highway Authority of India,
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+1cc to Dr.S.R.Sundaram, Advocate, S.R.No.23524

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rrs 14/03/2019