

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.9085 of 2021

M.Ragul

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
2. Project Director,
National Highway Authority of India,
No.1/54-28, Butt Road,
St.Thomas Mount, Near Kathipara Junction,
Chennai - 16.
3. The District Collector,
District Collector Office,
Vellore District - 632 009.
4. The Special District Revenue Officer /
The Competent Authority,
Special District Revenue Officer office,
Bangalore to Chennai highway,
(Tamilnadu Housing Board office first floor),
Saththuvachery, Vellore - 632 009.
5. The Special Thasildar,
Special District Revenue Officer office,
Bangalore to Chennai highway,
(Tamilnadu Housing Board office first floor),
Saththuvachery, Vellore - 632 009. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 4th respondent to consider the petitioner's representation dated 17/02/2020 and to conduct enquiry and consequently direct the 4th respondent to pay the petitioner fair compensation.

For Petitioner : Mr.K.Gowthaman

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the 4th respondent to consider petitioner's representation dated 17.02.2020.

2. The grievance of the petitioner is that his land was acquired under the National Highways Act for Bangalore to Chennai highway project. Subsequently, an Award has been passed on 08.12.2017, wherein, the 4th respondent without following the mandatory requirements and also without taking into consideration the actual market value and the guideline value has arrived at the compensation amount. In such circumstances, the petitioner made a representation to the 4th respondent on 17.02.2020, seeking enhancement of compensation, but so far no orders have been passed, hence he filed the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. If at all the petitioner has any grievance over the Award passed by the 4th respondent, the only remedy available to the petitioner is to file an application before the Arbitrator as provided under Section 3G(5) of the National Highways Act and the 4th respondent after passing the Award has not power to review the same. In such circumstances, the 4th respondent cannot consider the petitioner's representation for enhancement of compensation. Hence the prayer as sought for by the petitioner cannot be granted. Therefore, the writ petition is liable to be dismissed and accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

// True copy //

Sub Assistant Registrar

kk

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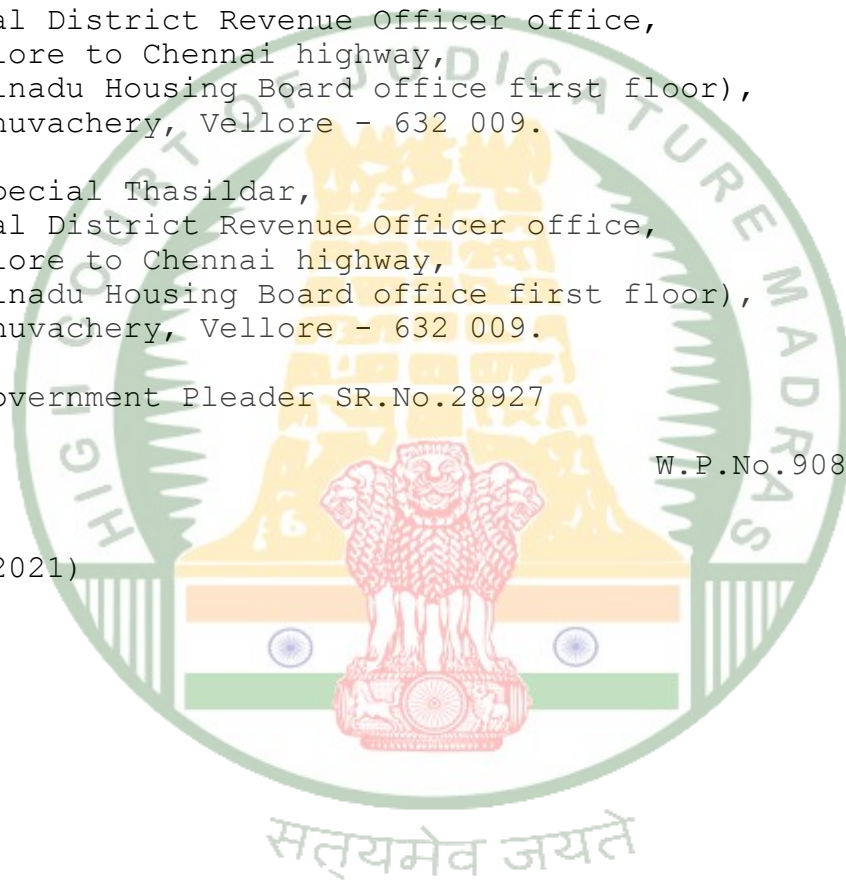
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+1cc to Government Pleader SR.No.28927

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SR-II (CO)
HS (13/07/2021)



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