



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.08.2021

CORAM:

WEB COPY THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No. 17685 of 2021

Veeraraj

.. Petitioner

Versus

1.The District Collector cum Arbitrator under the
National Highways Act,
Office of the District Collector, Cuddalore,
Cuddalore, Cuddalore District,
Tamil Nadu.

2.The Competent Authority cum
Special District Revenue Officer
(Land Acquisition) National Highway,
Villupuram, Tamil Nadu.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1st respondent herein to consider the petitioner's appeal dated 18.11.2019 against the award of the 2nd respondent dated 27.02.2018 for enhancement of compensation for the petitioner's acquired properties within a stipulated time.

For Petitioner : Mr. P.R.Thiruneelakandan

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

O R D E R

This petition is filed for issuing a writ of mandamus, directing the 1st respondent herein to consider the petitioner's appeal dated 18.11.2019, against the award of the 2nd respondent dated 27.02.2018, for enhancement of compensation for the petitioner's acquired properties within a stipulated time.

2. The case of the petitioner is that he purchased a land comprised in Survey No.35/18A, at Veeramudiyanatham Village, Bhuavanagiri Taluk, Cuddalore District, by virtue of a sale deed document No.1788 of 2010, registered at Sub Registrar Office, Sethiyathope. Then, he constructed a house in the said land and has been residing in the said property for the past ten years. It is stated that the petitioner was in occupation of the house ever since it was constructed. It is further



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stated that the second respondent herein acquired the aforesaid property for laying National Highway 45C extension, by assessing the market value of the house site in that region at the rate of Rs.1090.44/- per sq.ft. and Rs.572.23/- per sq.ft., for the Punja land, for the purpose of awarding compensation. It is the grievance of the petitioner that though the market value for the house site in the said region is fixed at the rate of Rs.1090.44/-, the second respondent considered the entire land including the house site as Punja land and determined the compensation amount at the rate of Rs.572.23/- per sq.ft. By award dated 27.02.2018, the second respondent awarded a sum of Rs.2,27,108/- as compensation to the petitioner. Aggrieved by the same, the petitioner preferred an appeal dated 18.11.2019, before the first respondent, who is an Arbitrator under the National Highways Act for enhancement of compensation. Since the first respondent have not taken any steps to consider the appeal of the petitioner for enhancing the compensation, the petitioner filed this present writ petition seeking direction to the first respondent to consider the petitioner's appeal dated 18.11.2019.

3. Learned counsel appearing for the petitioner submitted that the second respondent has considered the entire land as Punja land and awarded lower compensation. He contended that if the second respondent awarded just and fair compensation for the land at the rate of Rs.1090.44/- per sq.ft., he should have awarded the compensation for a sum of Rs.24,83,700/- instead of awarding a sum of Rs.2,27,108/-. Hence, the learned counsel for the petitioner prays to issue direction to the first respondent to consider the petitioner's appeal dated 18.11.2019.

4. Learned Government Advocate appearing for the respondents submits that this Court may consider the request of the petitioner and pass appropriate orders.

5. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the petitioner's appeal dated 18.11.2019, and dispose of the appeal, on merits and in accordance with law, after affording sufficient opportunity of hearing to the parties concerned, within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



To

1.The District Collector cum Arbitrator under the
National Highways Act,
Office of the District Collector, Cuddalore,
Cuddalore, Cuddalore District,
Tamil Nadu.

2.The Competent Authority cum
Special District Revenue Officer
(Land Acquisition) National Highway,
Villupuram, Tamil Nadu.

+1 cc to Government Pleader Sr.NO. 43671

W.P. No. 17685 of 2021

VSN II(CO)

A.SK(25.10.2021)