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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No. 16568 of 2021

K.V.Sadasivam .... Petitioner

Vs

1. The District Collector,
Salem District.

2. The Project Director,
National Highways Authority of India (NH 68)
212-3/D-31 Srinagar Colony,
Narasothipatty, Salem – 636 004.

3. The Competent Authority &
Spl. District Revenue Officer (Land Acquisition),
3-B/8, Ram Nagar, 2nd Gate,
Swarnapuri,
Salem District.

4. The Land Acquisition Officer &
Special Tahsildar (NA)
National High Ways,
Salem – 1. .... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to dispose the representation dated 05.03.2021 within the stipulated period prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For R1, R3 & R4 : Mr.A.Selvendran
Government Advocate

For R2 : M/s. S.R.Sumathy

O R D E R

The Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to dispose of the representation dated 05.03.2021 within the stipulated period prescribed by this Court.

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2. Heard, Mr.G.Thangavel, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Government Advocate appearing for the respondents 1, 3 & 4 and M/s. S.R.Sumathy, learned counsel appearing for the second respondent.

3. The case of the petitioner is that the land belonged to the petitioner has been acquired in the year 1975 by the Land Acquisition Officer, National High Ways, Salem. The land was acquired in accordance with the provisions under the Land Acquisition Act, 1894. After 45 years, the present writ petition has been filed to consider the representation of the petitioner dated 05.03.2021 by the respondent.

4. A perusal of the representation reveals that the petitioner sought for enhancement of compensation with reference to the award dated 04.07.1977. The reason for the delay stated by the petitioner is that the delay in claiming the enhanced compensation is neither wilful nor wanton but due to the bonafide reasons that the eligible family members were not able to come forward amicably as they were old in age and not aware of the existing rule in force. The petitioner is the only claimant based on the above said proceedings, he is claiming enhancement of compensation.

5. Admittedly, the petitioner claims the enhancement of compensation after a delay of 45 years from the land acquisition proceedings and as such, the claim is time barred one. Therefore, the respondents cannot be directed to consider the representation of the petitioner dated 05.03.2021. In view of the above, the writ petition is devoid of merits.

6. In the result, the writ petition stands dismissed. No order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Salem District.

2. The Project Director,
National Highways Authority of India (NH 68)
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Salem District.

4. The Land Acquisition Officer &
Special Tahsildar (NA)
National High Ways,
Salem - 1.

+1cc to Mr.G.Thangavel, Advocate SR.No.57809

+1cc to Government Pleader SR.No.57873

W.P. No. 16568 of 2021

PM(CO)
GMY(10/12/2021)

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