



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.16856 OF 2021

T.G.Sridharan

... Petitioner

.Vs.

The District Collector Cum Arbitrator,
The Appellate Authority,
Office of the District Collector,
Thiruvallur.

... Respondent

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 13.07.2021 in accordance with law within stipulated time.

For Petitioner : Mr.K.Sathish

For Respondent : Mr.V.Veluchamy
Government Advocate

ORDER

This Writ Petition has been filed to direct the respondent to consider and pass orders on the petitioner's representation dated 13.07.2021 in accordance with law within stipulated time.

2. The case of the petitioner is that the petitioner is the owner of the plot to an extent of 1800 Sq.ft in Eden Nagar, bearing Plot.No.34, comprised in S.Nos.608/1, 608/2 and 611/10 situated at No.52, Ekkadu Village, Thiruvallur Taluk and District. He purchased the same from Mrs.R.Anushya and Mrs.M.N.Vasantha through their power agent Mrs.Selvi @ Gnanaselvi by a registered sale deed executed before the Sub Registrar, Thiruvallur, bearing Document No.14918 of 2006 dated



WEB

13.12.2006. The National High Ways Authority had acquired an area of 167 Sq.Mtrs i.e. the petitioner's entire area for widening National Highways 205 from Alamelumangapuram Village to Pakkam Village. The said acquisition was without any notice or acknowledgement during valuation process, suddenly they have handed over the compensation amount of Rs.5,39,041/- vide proceedings of the Competent Authority and Special District Revenue Officer (L.A.), National Highways - 205, Tiruvallur, bearing RC.27/2010/UNIT-IV dated 04.11.2011. As per the Award No.26/2011 dated 27.09.2011, the said award amount was received under protest during the year 2012. After receipt of the said amount, the petitioner approached the Competent Authority and Special District Revenue Officer (L.A.), National Highways-205, Tiruvallur and immediately preferred an appeal during the year 2013 and sought for revaluation in his presence and to grant an enhanced value for his property calculating on par with the market value. At that time, he was informed that a notice will be issued seeking for all your objections with respect to the compensation amount awarded and hence, he was under the impression that only after receipt of the notice, he has to proceed further with the appeal. But, he was not served with any notice for more than a period of above 5 years.

3. It is the further case of the petitioner that since he was not served with any notices or any orders on his appeal, he made a representation to the respondent on 18.08.2017 and an acknowledgement was also received by him. Subsequently, he enquired with the adjacent land owners and came to know that his adjacent plot owners have received the enhanced value for the acquired land as per the Arbitration order passed by the respondent vide his proceedings bearing Rc.Mo.21571/2016/F2/Arb dated 11.08.2018 and received the same vide proceedings of the Special District Revenue Officer (L.A.), National Highways - 205, Tiruvallur bearing RC.No.157/2018/Spl.DRO/NH-205 dated 02.05.2018. His representation dated 18.08.2017 was treated as a separate appeal and an acknowledgement to that effect was issued by the respondent to his bearing Petition No.2017/9005/01/727998/0818 dated 18.08.2017. Even thereafter, he made several representations to the respondent to dispose of his appeal. But till now, the respondent has not considered his representation and hence, he approached this Court by filing this Writ Petition.

4. In this regard, the Learned Government Advocate appearing for the respondent has produced a copy of the letter dated 07.09.2021 in Rc.No.18893/2017/F2/(Arbit) sent by the District Collector, Tiruvallur, wherein, it is stated that the petitioner has filed an appeal on 18.08.2017 before the Arbitrator/District Collector under Section 3G(5) of National Highways Act 1956 seeking to enhance the compensation amount received by him on 04.11.2011 for the lands acquired in



S.No.611/10 to an extent of 167 Sq.mtrs in Ekkadu Village of Tiruvallur Taluk, by the Competent Authority for widening of National Highways - 205. In the said appeal, the Arbitration proceedings have been initiated by the Arbitrator/District Collector and the same is now pending for the Counter Statement of Special District Revenue Officer (LA), National Highways, Tiruvallur and Project Director, National Highways Authority of India, Chennai. Hence, the District Collector seeks three months time to complete the arbitration proceedings.

5. In view of the above letter dated 07.09.2021 sent by the District Collector, Tiruvallur and taking into consideration the fact that the petitioner's representation is in consideration before the respondent and the same is now pending for the counter statement of concerned authorities, this Court hereby directs the respondent/District Collector to complete the arbitration proceedings and pass appropriate orders on the petitioner's representation within a period of four months from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raja

To

The District Collector Cum Arbitrator,
The Appellate Authority,
Office of the District Collector,
Thiruvallur.

+1cc to Mr.K.Sathish, Advocate, S.R.No.51215
+1cc to the Government Pleader, S.R.No.51546

W.P.NO.16856 OF 2021

SPD(CO)
CB/02/12/2021
PBS/09/12/2021