



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20978 of 2021

E.Gnanambigai

...Petitioner

Vs.

1. The Arbitrator/District Collector,
Thiruvallur,
Thiruvallur District.

2. The Competent Authority and
Special District Revenue Officer (LA),
National Highways-205,
Thiruvallur - 602 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus, to direct the respondent to dispose of the petitioner's representation dated 01.06.2018 by considering the petitioner's appeal dated 20.01.2012 within a time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.V.Veluchamy for R1
Government Advocate

Mr.Su.Srinivasan for R2
Standing counsel for NHAI

ORDER

This writ petition has been filed for a mandamus to direct the second respondent to dispose of the petitioner's representation dated 01.06.2018 by considering the petitioner's appeal dated 20.01.2012 within a time frame.

2.The case of the petitioner is that she owning a land to an extent of 7412 sq.ft (700 sq.mtr) or 17 cents in Dry S.No.132/1A of Sathranjayapuram Village, Tiruttani Taluk in Thiruvallur District which was purchased on 15.11.1992 and registered as Document No.2065 of 1992 before the SRO, Tiruttani.

3.The petitioner submits that the above land was purchased



for developing the same as house sites to construct four houses for her four daughters.

4.The petitioner further submits that a notification was published on 01.02.2010 in Dinamani newspaper for acquisition of lands for the purpose of widening National Highway No.205.

5.According to the petitioner, her land was also shown in the notification for the purpose of acquisition and she had submitted her objections on 18.03.2010 and she authorized her husband to appear for enquiry on 20.05.2010 and submitted her objections.

6.The petitioner submits that without considering the petitioner's objections and without following any procedure, the second respondent had unilaterally fixed the award amount of compensation for a sum of Rs.38,038/- and this fact came to her knowledge by the communication from the Village Administrative Officer concerned on 13.08.2011.

7.The petitioner further submits that she sought for a copy of the award dated 15.06.2011 and also requested the second respondent to refer the matter to the first respondent, who is the Arbitrator since the compensation was meager in nature.

8.According to the petitioner, she sent a representation dated 03.10.2011 which was received by the second respondent office on 04.10.2011 to refer the matter to the Arbitrator for enhancement of compensation.

9.The petitioner submits that the amount has been fixed by the Competent Authority at Rs.49.40 plus 10% per sq.mtr. much below the market value by an Award No.8 of 2011 dated 15.06.2011 and by the order dated 11.11.2011 sanctioned a sum of Rs.38,038/-.

10.The petitioner further submits that he also preferred an appeal to the first respondent on 20.01.2012, no action has been taken by the first respondent.

11.According to the petitioner, she sent another representation dated 01.06.2018 to the first respondent and sought for early disposal of her appeal which has been pending from the year 2012.

12.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

13.Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the



materials available on record.

14. In the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the respondents to consider the representation dated 01.06.2018 sent by the petitioner and pass appropriate orders based on the petitioner's appeal dated 20.01.2012 in accordance with law, after within a period of 16 weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Arbitrator/District Collector,
Thiruvallur,
Thiruvallur District.
2. The Competent Authority and
Special District Revenue Officer (LA),
National Highways-205,
Thiruvallur-602 001.

+2cc to Mr.L.G.Sahadevan, Advocate, S.R.No.50410
+1cc to the Government Pleader, High Court, Chennai,
S.R.No.51309

W.P.No.20978 of 2021

SJ(CO)
RGA(26/11/2021)