



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21759 of 2021

1.P.Muthusamy
2.M.Selvi

...Petitioners

Versus

1.The District Collector cum Arbitrator,
Office of District Collector, Thiruppur,

2.The Competent Authority and
Special District Revenue Officer (LA),
National Highways No.209,
Dindigul.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing 1st respondent to entertain the application filed by the petitioner herein dated 21.01.2021 under Section 3G (5) of National Highways Act, to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 16.11.2020 in his proceedings in Na.Ka.No.1405/2020/Madathukulam for acquisition of land of the petitioner herein comprised in Survey Nos.SF.No.657/11 at Myvadi Village, Madathukulam Taluk, Thiruppur District and dispose the same within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For R1 : Mr.V.Veluchamy
Government Advocate

For R2 : Mr.Su.Srinivasan

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the 1st respondent to entertain the application filed by the petitioner herein dated 21.01.2021 under Section 3G (5) of National Highways Act, to enhance the compensation awarded to the petitioner herein vide proceedings



of the 2nd respondent herein dated 16.11.2020 in his proceedings Na.Ka.No.1405/2020/Madathukulam for acquisition of land of the petitioner herein situated in Survey No. SF.No.657/11 at Myvadi Village, Madathukulam Taluk, Thiruppur District and dispose the same within a time frame.

2. According to the petitioners, the aforesaid land measuring to an extent of 2.14-1/2 (10,000 Sq.Mts.) belongs to the petitioner has been acquired by the 2nd respondent under National Highway No.209. The 2nd respondent acquired the above said land along with a well, bore well, coconut trees, mango tree and other trees and developed the said property with drip irrigation system and the said well was constructed with concrete wall. The 2nd respondent without appreciating the market value of the said property, the authorities have fixed very meager compensation. The 2nd respondent not valued many trees which were in existence at the time of acquisition and not calculated the value of drip irrigation properly. Therefore, the petitioner made an objection initially before the 2nd respondent for enhancement of compensation and they requested to assess the value of the trees, drip irrigation and asbestos sheet shed. However, the 2nd respondent has not considered the same, hence, the petitioner herein decided to make an application before the first respondent under Section 3 (G) of the National Highways Act. Pursuant to the acquisition of land, the petitioners made an application dated 21.01.2021 to the 1st respondent under Section 3(G) of the National Highways Act, to enhance the compensation for the land acquired by the 2nd respondent, but the 1st respondent has not considered the same. Hence, the petitioner made an application dated 09.07.2021 to the 1st respondent under the Right to Information Act seeking the status of the said application of the petitioner. On receipt of the said application, the 1st respondent vide his proceedings dated 26.07.2021 forwarded the said application dated 21.01.2021 to the Special District Revenue Officer, Office of the Special District Revenue Officer, (L.A.) Office of District Collector, Tirupur by holding that he is the competent authority to decide the issue which is subject matter of the application dated 21.01.2021. Later, the Special District Revenue Officer (LA) again forwarded the same to the 2nd respondent by holding that the 2nd respondent is the competent authority, till date, no action has been taken by the respondents. Hence, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 21.01.2021 and dispose of the same within a stipulated time that may be framed by this Court.



4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 21.01.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties within a period of three months from the date of receipt of a copy of this order. Consequently, connected WMP.No.22940 of 2021 is also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gba/msm

To

- 1.The District Collector cum Arbitrator,
Office of District Collector, Thiruppur,
- 2.The Competent Authority and
Special District Revenue Officer (LA),
National Highways No.209,
Dindigul.

W.P.No.21759 of 2021

SVI (CO)
RVM(26/11/2021)