



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.22242 of 2019

A. Sampooranam

...Petitioner

-Vs-

1. The Competent Authority and Special,
District Revenue Officer, (Land Acquisition)
NH-7, 46, 47 & 66,
Ex. Serviceman Office Complex,
Krishnagiri - 635 001.
2. The Project Director,
National Highways Authority of India-NHAI,
212-3, Sree Nagar Colony,
Narasothipatti,
Salem - 636 004.

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to pay enhanced compensation amount awarded to the petitioner by the Arbitrator/the District Collector, Salem vide his Award bearing Ref.No.N.H.No.47 A.V. No.554/B2 dated 08.11.2012 in respect of 37/2A2,42/1B,39/2C1 and 421C of 08.11.2012 in respect of 37/2A2,42/1B,39/2C1 and 42/1C of Annathanpatti Village, Salem Taluk, based upon the representations dated 28.03.2019 and 08.04.2019 and pass appropriate orders accordingly.

For Petitioner :: Mr.S.Senthil

For Respondents:: Mr.V. Veluchamy for R1
Mr.S.R. Sumathy for R2

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to pay enhanced compensation amount awarded to the petitioner by the Arbitrator/the District



Collector, Salem vide his Award bearing Ref.No.N.H.No.47 A.V. No.554/B2 dated 08.11.2012 in respect of 37/2A2,42/1B,39/2C1 and 421C of 08.11.2012 in respect of 37/2A2,42/1B,39/2C1 and 42/1C of Annathanpatti Village, Salem Taluk, based upon the representations dated 28.03.2019 and 08.04.2019 and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel for both sides, it is seen that the petitioner has appointed one of her sons by name A. Karthikeyan as her General Power of Attorney on 20.05.2008. On the strength of Power of Attorney, the petitioner's son has received enhanced compensation of Rs.16747,679/-, Rs.78,199/- and 70,451/- for the land acquisition under all the three awards passed by the 1st respondent dated 27.06.2008, 28.11.2008 and 16.12.2010. While being so, the petitioner has now sought to pay the enhanced compensation amount awarded in her favour claiming that the petitioner's son is only representing as Power Agent. Under such circumstances, this Court cannot direct the respondents to pay the enhanced amount to the petitioner while the enhanced award amount was deposited in favour of the petitioner's son as Power Agent of the petitioner herein. Though the Writ petition is not maintainable, this Court directs the petitioner who is at liberty to approach the competent Court-Principal District Court, Salem to seek her remedy by filing LAOP whereby the relief sought by the petitioner herein will be worked out.

6. With the aforesaid directions, the present Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

Lbm



To:

1. The Competent Authority and Special,
District Revenue Officer, (Land Acquisition)
NH-7, 46, 47 & 66,
Ex. Serviceman Office Complex,
Krishnagiri - 635 001.

2. The Project Director,
National Highways Authority of India-NHAI,
212-3, Sree Nagar Colony,
Narasothipatti,
Salem - 636 004.

Copy to

The Principal District Court
Salem

+1 CC to Mr.S.Senthil, Advocate sr 51624.

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GSM(CO)
SP(21/12/2021)