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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.23206 OF 2021

S.Shanmugam

... Petitioner

Vs.

1. The Project Director,
The National Highways
Authority of India,
Namakkal District
Namakkal
2. The Arbitrator / District Collector,
Land Acquisition,
Namakkal District,
Namakkal
3. The Competent Authority,
Special District Revenue Officer (L.A.)
Namakkal District,
Namakkal.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to forthwith conduct enquiry upon the petitioner's appeal in Na.Ka.No.12248/2009 in Appeal No.9 of 2011 and pass orders upon the same within a time frame.

For Petitioner : Mr.Mukund for
M/s Sarvabhauman Associates

For Respondents : Mr.V.Veluchamy for R2 and R3
Government Advocate

Mr.Su.Srinivasan for R1
Standing counsel



O R D E R

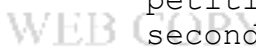
With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

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2. The present Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to forthwith conduct enquiry upon the petitioner's appeal in Na.Ka.No.12248/2009 in Appeal No.9 of 2011 and pass orders upon the same within a time frame.

3. The case of the petitioner is that he is the owner of the land measuring an extent of 220 sq.m in Survey No.250/3A2, 1022 Sq.m in Survey No.250/13 and land measuring an extent of 550 sq.m in Survey No.250/3C which is situated in the Mudalaipatty village, Namakkal and vide notification dated 28.06.2006, the land measuring an extent of 220 sq.m in Survey No.250/3A2 and vide notifications dated 26.02.2009 and 13.11.2009, two other lands, measuring an extent of 1022 sq.mtr in Survey No.250/13 and 550 sq.m in Survey No.250/3C was acquired by the 3rd respondent. Further, during the enquiry, the petitioner and other land owners have submitted to the concerned officials that they have raised compound wall, pipelines and other superstructures in the land and sought for compensation for the said superstructure, however, the 3rd respondent had awarded only a meagre amount much below the actual market value and awarded a sum of Rs.61,150/- for the land in S.No.250/3A2 vide award no.28/2007 and a sum of Rs.11,86,099/- for the land in S.No.250/13 and a sum of Rs.1,12,428/- for land in S.No.250/3C vide award no.9 of 2009 and 26/2010 respectively.

4. It is the further case of the petitioner that the land rates have been fixed by comparing totally different lands in S.Nos.285/3, 216/1, 2B and 215/3D and the 3rd respondent had collected the sale deed records of the said village for the last 1 year before the acquisition and as per award no.9/2009, the lands in same village have been sold for Rs.652 per sq.meter and 296.45 per sq.metr vide sale deed no.2416/2008 and 1261 of 2008 on the file of SRO, Namakkal have not been considered while fixing compensation to the land of the petitioner and the 3rd respondent had selected lands which were sold for less value. Moreover, the 3rd respondent had classified the said land as punjai land without any material basis and the lands are surrounded by hotels, petrol bunk, a bank, lorry sheds and an EB office, hence it is the plea of the petitioner that the 3rd respondent had fixed the compensation for the said lands much below the actual market price. As against the same, the petitioner has preferred an appeal before the 2nd respondent for enhancement of compensation in the year 2011, however, the 2nd respondent failed to conduct enquiry, seeking for a direction to



5. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the second respondent to conduct enquiry on the petitioner's appeal in Appeal No.9 of 2011 and dispose of the same within a stipulated time that may be framed by this Court.

7. 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 2nd respondent to consider the Appeal No.9 of 2011 filed by the petitioner by holding an enquiry after issuing notice to the parties concerned and if any case is made out by the petitioner, the authorities are directed to pass appropriate orders, on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order. However, it is made clear that this order will not grant any right of title to the petitioner. No costs.

Sub Assistant Registrar

1. The Project Director,
The National Highways
Authority of India,
Namakkal District
Namakkal



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Land Acquisition,
Namakkal District,
Namakkal
3. The Competent Authority,
Special District Revenue Officer (L.A.)
Namakkal District,
Namakkal

+1cc to M/s Sarvabhauman Associates, Advocate, S.R.No.55606
+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.55627
+1cc to the Government Pleader, S.R.No.56653

W.P.No.23206 of 2021

SRA (CO)
PM/29/11/2021