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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.2322 of 2022
and
W.M.P.No.2487 of 2022

1.A.Durairaj

2.M.Muthummal

...Petitioners

vs.

1. The District Collector,
Dharmapuri.

2. The Competent Authority and Special
District Revenue Officer,
Land Acquisition, NH 844,
Hosur - Royakottai - Dharmapuri Section,
Dharmapuri District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent herein to forthwith consider the claim petition filed by the petitioner for enhancement of the compensation in respect of his lands of an extent of 866 square meters in Survey No.447/1 in Pappinayakanahalli Village, Dharmapuri Taluk and District pursuant to the petition dated 20.10.2021.

For Petitioners : Ms. AL.Ganthimathi

For Respondents : Ms. D.Tamilselvi,
Additional Government Pleader.

ORDER

The petitioners have filed this petition seeking a direction to the first respondent to consider the claim petition filed by him for enhancement of the compensation in respect of his lands to an extent of 866 Square meters in Survey No.447/1 in Pappinayakanahalli Village, Dharmapuri Taluk and District pursuant to the petition dated 20.10.2021.



2. Ms. D.Tamilselvi, learned Additional Government Advocate takes notice for the respondent. In view of the limited relief sought for in this petition and on the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that first petitioner is the owner of the property to an extent of 866 Square Meters of land in Survey No.447/1 in Pappinayakanahalli Village, Dharmapuri Taluk and District. The said property was settled in favour of the first petitioner on 09.09.2014, and he leased out a portion of the land to the second petitioner for running a petrol bunk. While so, the land to an extent of 866 Square Meters in Survey No.447/1 was acquired by the second respondent for the purpose of building, maintenance, management and operation of NH No.844 under the National Highways Act, 1956. Thereafter, an award dated 17.08.2021, was passed by fixing a sum of Rs.3,07,878/- as compensation to the petitioners. Thereafter, the petitioner filed a claim petition before the first respondent on 20.10.2021 for enhancement. The said claim petition has not been considered by the first respondent and the request for review of the award was rejected stating that the petitioner can file a claim petition under 3(G)(v) of National Highways Act. However, the petition was filed by the petitioner herein to the District Collector, Dharmapuri as early as on 20.10.2021. However, till date no action has been taken by the first respondent on the application made by the petitioners. Hence the present Writ Petition has been filed by the petitioners with the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice if this Court directs the first respondent to consider the claim petition filed by the petitioner for enhancement of the compensation in respect of his lands to an extent of 866 Square Meters in Survey No.447/1 in Pappinayakanahalli Village, Dharmapuri Taluk and District pursuant to the petition dated 20.10.2021 within the time frame fixed by this Court.

5. The learned Additional Government Advocate appearing for the respondents submits that the petitioners claim petition dated 20.10.2021 will be considered by the Respondent within the time frame fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioners claim petition dated 20.10.2021 within a period of twelve weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nhs/tri

To

1. The District Collector,
Dharmapuri.
2. The Competent Authority and Special
District Revenue Officer,
Land Acquisition, NH 844,
Hosur - Royakottai - Dharmapuri Section,
Dharmapuri District.

+lcc to M/s.A.L.Ganthimathi, Advocate, S.R.No.9406
+lcc to the Government Pleader, S.R.No.10310

W.P.No.2322 of 2022 &
W.M.P.No.2487 of 2022

SSI (CO)
SB(03/03/2022)