



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.7068 OF 2022

AND

W.M.P.NOS.7099 AND 7100 OF 2022

C.Anbazhagan

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Special Tahsildhar,
NH-844,
O/O. The Collectorate,
Dharmapuri District.
3. The Competent Authority &
Special District Revenue Officer (LA),
National Highways-844,
Ottapatti, Dharmapuri-5.
4. The Project Director (NH-844),
PIU-Krishnagiri,
259/1, Salem Main Road,
KAKC Petrol Bunk near,
Krishnagiri.
5. The Village Administrative Officer,
Karathathahalli Village,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorariafied Mandamus, calling for the records relating to the order of award passed in Roc.12/2018/LA, dated 28.09.2021 passed by the 3rd respondent and quash the same as per the petitioner's representation to the 1st respondent dated 05.11.2021 and consequently to fix award amount by enhancing the same.



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For Petitioner	:	Mr.N.Suresh
For Respondents	:	Mr.V.Veluchamy Additional Government Pleader
For R4	:	Mr.Su.Srinivasan Standard Counsel for NHAI

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorariafied Mandamus, to call for the records relating to the order of award passed in Roc.12/2018/LA, dated 28.09.2021, passed by the 3rd respondent and quash the same as per the petitioner's representation to the 1st respondent dated 05.11.2021 and consequently to fix award amount by enhancing the same.

2. The learned Additional Government Pleader appearing on behalf of the respondents takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner's agricultural land along with his residential house and trees and bore wells comprised in Survey No.538/1A situated at Karagathahalli Village, Palakode Taluk was acquired by the Government as per the Central Government Press No.2110 in S.O.No.2328(E) and 4712 S.O.No.5938(E) dated 06.06.2018 and a publication was effected and the same was also published in local newspapers on 19.06.2019. Thereafter, the compensation amount was determined by the Competent Authority and Special District Revenue Officer (LA) by passing an award in Award No.Roc.12/2018/LA, dated 28.09.2021. Challenging the same, this writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that the 3D notification was issued on 07.09.2019 and after hearing the petitioner, the award was passed on 28.09.2021 and the same was received by the petitioner under protest. Aggrieved by the said compensation, the petitioner preferred an appeal dated 05.11.2021 before the 1st respondent/District Collector, for enhancement of compensation fixed, however, till date the said appeal was not consider. Hence, after passing the award, the respondents without disposing the appeal filed by the petitioner and without determining payment of fair compensation to the petitioner, have immediately entered into the petitioner's land,



which is not sustainable. He further submitted that it would suffice if this Court issues direction to the respondents not to disturb with the petitioner's possession, till the disposal of the appeal pending before the 1st respondent. Accordingly, he prayed for appropriate orders.

5. The learned counsel appearing on behalf of the respondents submitted that, after 3D notification was issued, the land vests with the Government as per 3F of the Act and the Central Government has power to enter the land under the National Highways Act and there is no substance to the grievance of the petitioner. However, he has no serious objection to issue direction the 1st respondent / District Collector to dispose of the appeal dated 05.11.2021 filed by the petitioner.

6. Heard the arguments advanced on either side and perused the materials available on record.

7. Admittedly, the petitioner's land was acquired under the National Highways Act, 1956, after conducting an enquiry, 3D notification was issued and thereafter, the present impugned order was passed. However, it is pertinent to note that, once the 3D notification was issued in terms of 3f of the National Highways Act, the land vests with the Government and the Central Government has all rights to enter into the acquired land.

8. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order passed as against the petitioner. Since the petitioner preferred an appeal before the 1st respondent, under 3G(5) of the National Highways Act, 1956 on 05.11.2021, the 1st respondent is directed to dispose of the petitioner's appeal, dated 05.11.2021 on merits and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and to the aggrieved parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Psa



To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
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+3ccs to M/s.N.Suresh, Advocate, S.R.No.21444

W.P.No.7068 of 2022

SKM(CO)
RLP(12/04/2022)