

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP.NO.34793 OF 2013

AND

M.P.NO.1 OF 2013

A.Balaji

...Petitioner

Versus

1.The National Highways Authority of India,
G 5 & 6 Sector-10, Dwarka,
New Delhi - 110 075

2.The Project Director,
Project Implementation Unit,
National Highways Authority of India,
19/2B, Junction Road, Salem - 636 004.

3.The Competent Authority and Special District
Revenue Officer (LA)
National Highways No.7,
Salem, Salem District.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from taking 29 sq.mt. over and above 100 sq.mt. in S.No.146/3a2A Ammapalayam village, Salem Taluk and District without acquiring same by fresh notification and paying appropriate compensation.

For Petitioners : Mr.P.Mani

For R3 : Mr.G.Krishna Raja, AGP

ORDER

This writ petition is filed forbearing the respondents from taking 29 sq.mt. over and above 100 sq.mt. in S.No.146/3a2A Ammapalayam village, Salem Taluk and without acquiring same by fresh notification and paying appropriate compensation.

2. The case of the petitioners is that the petitioner is the owner of the land and house situated in S.No.146/2A, Ammapalayam

village, Salem Taluk and District. The 3rd respondent published the notifications dated 05.12.2002 and 14.08.2003 under Sections 3A(1) and 3D(1) of the National Highways Act for the purpose of laying the road. The Government acquired the land, which was owned by the petitioner, measuring to an extent of 100 sq.ft, for which, an award was passed and compensation has also been deposited. Further, the Government have illegally acquired measuring to an extent of 29 sq. ft. For payment of compensation, the petitioner made a representation dated 14.05.2004 to the respondents. However, till date, no order was passed. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the third respondent to consider the representation made by the petitioner dated 14.05.2004 and pass appropriate orders within the stipulated time as fixed by this Court.

4. The learned Additional Government Pleader for the respondents submitted that the representation will be considered and appropriate orders will be passed within the time stipulated.

5. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the Government and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the limited relief sought for by the petitioner, this Court, directs the petitioner to send a copy of the representation dated 14.05.2004 to the 3rd respondent along with all the relevant documents and also a copy of this order within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the 3rd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording opportunity to the petitioner, within a period of twelve weeks, thereafter.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

To

- 1.The National Highways Authority of India,
G 5 & 6 Sector-10, Dwarka,
New Delhi - 110 075.
- 2.The Project Director,
Project Implementation Unit,
National Highways Authority of India,
19/2B, Junction Road, Salem - 636 004.
- 3.The Competent Authority and Special District
Revenue Officer (LA)
National Highways No.7,
Salem, Salem District.

+1cc to Mr.P.Mani, Advocate Sr.No.37208

W.P.No.34793 of 2013

PM(CO)
RVM(18/07/2022)