



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No.8667 of 2022

Dr.R.Saravanabhavan

... Petitioner

Vs

1. The District Collector (Arbitrator) of Salem,
Office of the Collectorate,
Collector's Office combined,
Salem - 636001.
 2. The Authorised Officer and
The Special Dist. Revenue Officer Land Acquisition,
(National Highways No 7 & 46),
Krishnagiri.
 3. The Special Thashildar,
Land Acquisition (National Highways No 7 & 46),
Salem - 636002.
- ... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider my representation dated 20.01.2022 and consequently directing the first respondent to implement the order passed by the Ist Additional District Judge, Salem in A.O.P.No.242/2008 dated 05.12.2012.

For Petitioner :Mr.S.Ramesh Kumar

For Respondents :Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the first respondent to consider petitioner's representation dated 20.01.2022 and consequently directing the first respondent to implement the order passed by



the 1st Additional District Judge, Salem in A.O.P.No.242/2008 dated 05.12.2012.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, the petitioner is the absolute owner of the properties comprised in S.Nos.71/10B1, 71/10A2A and 71/2B3B1 situated at Gajjalnalkenpatty village in Salem District. The second respondent had acquired the total extent of 990 sq.metres of the subject land for the purpose of widening of the National Highway. The second respondent had fixed the value as Rs.2,151/- per sq.meter for the plot land and Rs.129.05/- per sq.meter for the agricultural land and the same was against the guideline value fixed for compensation. The petitioner gave his objection before the first respondent dated 06.02.2008 and explained his dissatisfaction in the compensation fixed by the second respondent. Thereafter, the petitioner preferred an appeal dated 24.03.2008 before the first respondent. However, the first respondent without conducting any proper enquiry, passed an award dated 25.07.2008, by confirming the value fixed by the second respondent. Aggrieved by the same, the petitioner filed an appeal under Section 34 of the Arbitration and Conciliation Act, 1996 before the learned 1st Additional District Judge, Salem in A.O.P.No.242/2008, praying to set aside the award passed by the first respondent. After adjudication, the learned 1st Additional District Judge, Salem, allowed the petitioner's appeal in A.O.P.No.242/2008 on 05.12.2012. However, the said order has been communicated to the first respondent after a period of 9 years. Thereafter, the petitioner made a representation dated 20.01.2022 to the respondents to implement the order passed by the learned 1st Additional District Judge, Salem. However, till date no order has been passed on the same. Hence, this present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 20.01.2022 and pass appropriate orders within a particular time frame fixed by this Court.



5. The learned Additional Government Pleader has no objection for said order being passed.

6. In view of the aforesaid submissions, the respondents are directed to consider the representation of the petitioner dated 20.01.2022 and after affording an opportunity of hearing to the petitioner, pass orders by implementing the order passed by the learned 1st Additional District Judge, Salem, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The District Collector (Arbitrator) of Salem,
Office of the Collectorate,
Collector's Office combined,
Salem - 636001.
2. The Authorised Officer and
The Special Dist. Revenue Officer Land Acquisition,
(National Highways No 7 & 46),
Krishnagiri.
3. The Special Thashildar,
Land Acquisition (National Highways No 7 & 46),
Salem - 636002.

Copy to
The 1st Additional District Judge,
Salem.

+1cc to Mr.S.Ramesh Kumar, Advocate Sr.24390
+1cc to the Government Pleader Sr.24908

W.P.No.8667 of 2022

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srg 26/04/2022