



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.9240 OF 2022
W.M.P.NO.9003 OF 2022

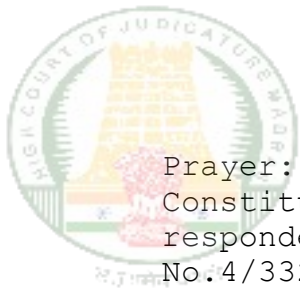
M.Madhaiyan

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dharmapuri District, Dharmapuri.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palacode, Dharmapuri District,
Dharmapuri.
3. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
4. The Arbitrator cum District Collector,
Collectorate Office,
Dharmapuri District, Dharmapuri - 15.
5. The Competent Authority/
Special District Revenue Officer - Land Acquisition
National Highways - 844,
(Hosur - Royakottai - Dharmapuri Section)
Dharmapuri.
6. The Special Tahsildar - Land Acquisition,
National Highways- 844,
(Hosur - Royakottai - Dharmapuri Section),
Dharmapuri.
7. The National Highways Authority of India,
Represented by its Project Director (NH 844),
PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk, Krishnagiri.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from demolishing the residential house bearing Door No.4/332/1, Thalavaihalli Puthur, Erranahalli Village comprised in Survey No.620/2, Erranahalli Village, Palcode Taluk, Dharmapuri District covered in Patta No.723 by considering the representation dated 06.04.2022 submitted by the petitioner's mother and 07.04.2022 submitted by the petitioner to the respondents 1 to 3, pending disposal of the Arbitration O.P pending on the file of Principal District Judge, Dharmapuri.

For petitioner : Mr.R.Ramesh
For Respondents : Mr.R.P.Murugan Raja
Government Advocate (for R1 to R6)
Mr.Su.Srinivasan,
National Highways Authority of India
Standing Counsel (for R.7)

ORDER

The petitioner has filed this petition to issue a Writ of Mandamus forbearing the respondents from demolishing the residential house bearing Door No.4/332/1, Thalavaihalli Puthur, Erranahalli Village comprised in Survey No.620/2, Erranahalli Village, Palcode Taluk, Dharmapuri District covered in Patta No.723 by considering the representation dated 06.04.2022 submitted by the petitioner's mother and 07.04.2022 submitted by the petitioner to the respondents 1 to 3, pending disposal of the Arbitration O.P pending on the file of Principal District Judge, Dharmapuri.

2. Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the respondents 1 to 6. 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 petitioner is that the petitioner's mother is the owner of the property measuring an extent of 1 acre and 16 cents together with the residential building existing thereon measuring 5100 sq.ft, comprised in Survey No.620/2, situated at Erranahalli Village, Palcode Taluk, Dharmapuri District. During the year 2018, the National Highways authority issued notification under Section 3A-(1) under the National Highways Act 1956, for the purpose of laying National Highways 844 (Hosur-Royakottai-Dharmapuri Section), objecting the same, the petitioner's mother made a representation dated 05.07.2018 and 27.08.2019. Even thereafter, the land acquisition authority issued a 3-D notification on 07.01.2019. Thereafter,



the competent authority determined the compensation amount in favour of the petitioner's mother. However, the competent authority has not considered the Well and other establishments made by the petitioner. Hence, the petitioner's mother made an application before the District Collector/arbitrator on 02.04.2021 under Section 3-G(v) of the Act, and the District Collector passed the order dated 23.09.2021. Against, which the petitioner's mother filed Arb.O.P.No.27 of 2022 on the file of Principal District Judge, Dharmapuri, and notice has been ordered to the respondents 4 to 7. In the meanwhile, the respondents are attempting to demolish the petitioner's mother property. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that without the re-determination of the compensation amount by the competent Civil Court in terms of Section.34 of the Arbitration and Conciliation Act, respondents demolishing the petitioner's residential building is not sustainable.

5. The learned Standing Counsel appearing for the seventh respondent submits that the property was demolished by the respondents and the possession was taken much earlier. Hence, he prays for the dismissal of the present writ petition.

6. Considering the facts and circumstances of the case, the petitioner's mother's land was acquired for the purpose of expansion of National Highways and 3-D notification was issued. Admittedly, after notice, vest rests with the Government, once the land vest with the Government, the prayer for restraining the respondents from not to interfere with the petitioner's property is not maintainable. Hence, the prayer sought by the petitioner in the present writ petition cannot be granted.

7. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to canvas all the issues with regard to the payment of compensation amount before the Principal District Judge, Dharmapuri, where the Arb.O.P.No.27 of 2022 is pending. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tri/mn



To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dharmapuri District, Dharmapuri.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palacode, Dharmapuri District,
Dharmapuri.
3. The Inspector of Police,
Palacode Police Station,
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National Highways - 844,
(Hosur - Royakottai - Dharmapuri Section)
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6. The Special Tahsildar - Land Acquisition,
National Highways- 844,
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7. The National Highways Authority of India,
Represented by its Project Director (NH 844),
PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk, Krishnagiri.

+1cc to the Government Pleader, S.R.No.25516

W.P.No.9240 of 2022
W.M.P.No.9003 of 2022

MG (CO)
RLP (28/04/2022)