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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.10658 of 2022

P.Mathiyalagan

... Petitioner

Vs.

- 1.The District Collector,
Ariyalur,
Ariyalur District.
- 2.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Ariyalur District.
- 3.The Competent Authority and
Special District Revenue Officer
(Land Acquisition),
National Highways Unit I -45C,
Jayankondam,
Ariyalur District.
- 4.The Special Tahsildar,
National Highways Unit II -45C,
Jayakondam,
Ariyalur District.
- 5.The Project Director,
Project Implementation Unit,
National Highways Authority,
Thanjavur - 613004.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 3 to determine the compensation for the weigh machine, basement and the building situated in S.No.217/2AH to an extent of 121 sq m of Muthuservamadam Village, Udayarpalayam Taluk, Ariyalur District based on the petitioner's representation dated 24.03.2022 and 25.03.2022.

For Petitioner : Mr.K.Balu

For Respondents : Mr.V.Veluchamy

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Government Pleader



O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 and 3 to determine the compensation for the weigh machine, basement and the building situated in S.No.217/2AH to an extent of 121 sq m of Muthuservamadam Village, Udayarpalayam Taluk, Ariyalur District, based on the petitioner's representation, dated 24.03.2022 and 25.03.2022.

2. Mr.V.Veluchamy, 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 on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property comprised in S.No.217/2AH, to an extent of 121 sq m, situated at Muthuservamadam Village, Udayarpalayam Taluk, Ariyalur District. The said land was acquired for the purpose of widening the road under the National Highways Act, 1956. However, without hearing the petitioner, the Land Acquisition Officer, passed an Award in terms of Section 3G(3) of the National Highways Act, 1956. Though, the Award was passed, the compensation amount was not determined for the weighing machine unit in the said land. Therefore, the petitioner made a representation to the Authority to assess the value of the weighing machine unit. The Tahsildar, assessed the value and forwarded the same to the Land Acquisition Officer, on 24.08.2021. However, till date, no order has been passed on the same. Hence, this present petition is filed.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the third respondent to pass orders on the letter forwarded by the fourth respondent, on 24.08.2021, within the stipulated time as may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents, would submit that the letter forwarded by the fourth respondent will be considered and appropriate orders will be passed on merits within the time frame to be 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 third respondent to consider the letter forwarded by the fourth respondent, on 24.08.2021 and after giving an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



7. With the above directions, this writ petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Ariyalur,
Ariyalur District.
2. The Revenue Divisional Officer,
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5. The Project Director,
Project Implementation Unit,
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Thanjavur - 613004.

+1cc to Mr.K.Balu, Advocate SR. No. 29753

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AJB (CO)
PR (16/05/2022)