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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.14808 & 14812 of 2022

Murugan ...Petitioner in W.P.No.14808 of 2022
Madhaiyan ...Petitioner in W.P.no.14812 of 2022

Vs.

- 1 The District Collector
Office of the District Collectorate
Dharmapuri District.
- 2 The Competent Authority cum DRO,
Land Acquisition, National Highway No.844,
Dharmapuri.
- 3 The Special Tahsildar,
National Highway No.844, Dharmapuri.
- 4 The National Highway Authority of India,
Represented by its Project Director,
(NH 844) PIU-Krishnagiri,
259/1 Salem Main Road, Near KAKC Petrol Bunk,
Krishnagiri. ...Respondents in both the petitions

Prayer in W.P.No.14808 of 2022: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus Calling for the records relating to the Impugned Order in ROC.No.04/2018/LA dated 25.02.2022 passed by the 2nd respondent and quash the same and direct the 2nd respondent to pass fresh award without determining the development charges in respect of the acquired land admeasuring 2631 Sq.Mtrs. in S.No. 231/1B at Chudanur Village, Palacode Taluk , Dharmapuri District.

Prayer in W.P.No.14812 of 2022: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus Calling for the records relating to the Impugned Order in ROC.No.04/2018/LA dated 17.03.2022 passed by the 2nd respondent and quash the same and direct the 2nd respondent to pass fresh award without



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determining the development charges in respect of the acquired land admeasuring 1150 Sq.Mtrs. in S.No. 231/1A at Chudanur Village, Palacode Taluk , Dharmapuri District.

For Petitioners: Mr.J.Ramesh (in both the matters)

For Respondent : Mr.Su.Srinivasan, Standing Counsel
for R4
Ms.Akila Rajendran RR1 to 3
(in both the matters)

COMMON ORDER

Since the issues in both the cases are one and the same and hence, these cases are disposed of by way of common order.

2. These Writ Petitions have been filed seeking to quash the Impugned Order in ROC.No.04/2018/LA dated 25.02.2022 passed by the 2nd respondent and consequently, direct the 2nd respondent to pass fresh award without determining the development charges in respect of the acquired land ad-measuring 2631 sq. mtrs. And 1150 Sq.Mtrs. respectively in S.No. 231/1A and 231/1B respectively at Chudanur Village, Palacode Taluk , Dharmapuri District.

3.The case of the petitioners is that the petitioners are the absolute owners of the subject lands mentioned in the affidavit. The petitioners' land were acquired by the National Highways for the purpose of laying four way road . After completing the necessary formalities, the second respondent passed award dated 25.02.2022. Challenging the deduction of development charges in the said award, the petitioners have filed the present writ petition before this Court seeking to quash the same.

4.The learned counsel for the petitioners submitted that the second respondent has passed the impugned award on 31.10.2021. But they released the compensation amount to the petitioners only on 25.02.2022 after deducting the development charges, which is unfair and there is no provision available for deducting the development charges from the award. The act of the respondents 2 & 3 is against the principles of natural justice. Hence, the learned counsel prays to quash the impugned awards and allow these writ petitions.

5.The learned Government Advocate submitted that admittedly the petitioners' lands were acquired for public purpose and award was passed on 31.10.2021 and the compensation amount was also deposited to petitioners account. If the petitioners are



aggrieved with the compensation, they have to file appeal before the appellate authority. Instead of doing that, the petitioner has come up before this Court, which is not sustainable one. The respondents have rightly passed the impugned order and therefore, this Court does not warrant any interference.

6. Heard the learned counsel for both sides and perused the materials available on record.

7. The facts of the case are not in dispute. Admittedly, the petitioners' agriculture lands were acquired for public purpose. After following due process of law, the impugned award was passed on 31.10.2021 and the compensation amount has also been released in favour of the petitioners. From the above, it is evident that the acquisition proceedings have been completed and the subject land was taken over by the Government and the disputed lands have been mutated and stands in the name of the 3rd respondent herein. If the petitioners feel aggrieved by the final award, the same can be challenged by the petitioners before the appropriate forum. This Court finds no merit in the petition and also this Court cannot interfere with the impugned order passed by the respondents.

8. With the above observation, these writ petitions are dismissed. No costs. However, liberty is granted to the petitioners to work out their remedy in the manner known to law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Office of the District Collectorate
Dharmapuri District.
- 2 The Competent Authority cum DRO,
Land Acquisition, National Highway No.844,
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- 3 The Special Tahsildar,
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4 The National Highway Authority of India,
Represented by its Project Director,
(NH 844) PIU-Krishnagiri,
259/1 Salem Main Road, Near KAKC Petrol Bunk,
Krishnagiri.

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+2cc to M/s.J.Ramesh, Advocate, S.R.No.36221, 36218

+1cc to the Government Pleader, S.R.No.35931

W.P.Nos.14808 & 14812 of 2022

PMK (CO)
RGA (01/07/2022)