



W.P.No. 16387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 16387 of 2022

Malliga

... Petitioner

Versus

1. The District Collector
Office of the District Collectorate
Dharmapuri District.
2. The Competent Authority Cum DRO
National Highway No.844
Dharmapuri.
3. The Special Tahsildar
National Highway No.844
Dharmapuri.
4. 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 District.

... Respondents



W.P.No. 16387 of 2022

Prayer:

WEB COPY

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to revisit and revalue the petitioner's acquired land admeasuring 0.68 cents comprised in S.No. 415 of 1A2 at Jittandahalli Village, Palacode Taluk, Dharmapuri District and pass award on the basis of the representation dated 31.05.2022, within a stipulated period of time.

For Petitioner : Mr. J. Ramesh

For RR 1 to 3 : Ms. P. Sathish
Addl. Government Pleader

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 31.05.2022.



W.P.No. 16387 of 2022

WEB COURT

2. The case of the petitioner is that she is the absolute owner of the land ad-measuring 0.68 cents comprised in S.No. 415 of 1A2 at Jittandahalli Village, Palacode Taluk, Dharmapuri District on the file of Sub Registration of Marandahalli Registration District of Dharmapuri. The petitioner obtained the said property by way of settlement deed dated 27.11.2017, Registered as Doc.No.2099 of 2017 on the file of Sub Registrar, Marandahalli, through her husband and computerized Patta No.2343 stands in the name of the petitioner. In the year 2018, the National Highways Authority issued a Notification under Section 3-A(1) of the National Highways Act, 1956, for the purpose of laying NH-844 Hosur-Rayakottai-Dharmapuri Section, in which, it is notified that the entire extent of the above said land, measuring an extent of 0.68 cents (2731 Sq.Mtrs) has to be acquired for the above project. Thereafter, the petitioner has approached the second respondent on various occasions and requested to fix the correct value for the said land sought to be acquired and subsequently, an Award has also been passed on 13.11.2020 for overall land. However, the second respondent has fixed very low value for the said property. Thereafter, the second respondent sent a notice dated 28.10.2021 in Na.Ka.No. 23/2018/LA, calling upon the petitioner to receive the total compensation



W.P.No. 16387 of 2022

amount of Rs.29,01,992/-. After receiving the notice, her son sent a representation to the first respondent on 29.11.2021 stating that the second respondent, is not taking any action to re-visit and re-value the aforesaid land. On 23.05.2022, the second respondent and other officials visited her land for re-valuation, but they did not take note of any of her queries. Following the same, the petitioner sent a representation dated 31.05.2022 to the second respondent to re-visit and re-value the property. After receiving the said representation, the second respondent did not take any action on the petitioner's representation. Hence, the petitioner has come forward with the present writ petition for the relief stated supra.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the second respondent to consider the petitioner's representation dated 31.05.2022 and dispose of the same within a stipulated time that may be fixed by this Court.

4. No objection has been raised by the learned counsel appearing for the respondents 1 to 3.



W.P.No. 16387 of 2022

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation, the Writ Petition is disposed of with a direction to the second respondent to consider the petitioner's representation dated 31.05.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

30.06.2022

msm
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



W.P.No. 16387 of 2022

WEB COPY

To

1. The District Collector
Office of the District Collectorate, Dharmapuri District.
2. The Competent Authority Cum DRO
National Highway No.844, Dharmapuri.
3. The Special Tahsildar
National Highway No.844, Dharmapuri.
4. 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 District.



WEB COPY



W.P.No. 16387 of 2022

M.DHANDAPANI,J.

msm

W.P.No. 16387 of 2022

30.06.2022