



W.P.No.28646 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.28646 of 2022  
and  
W.M.P.No.27924 of 2022

Mrs. Petchi Arasan Petchi Ammal Arasan  
w/o Mr. S. Irudaya Kani Arasan  
2/11, Tata Power Housing Colony  
Matunga Labour Camp,Mumbai 400 019

...Petitioner

Vs.

1. The competent Authority,  
The Special District Revenue Officer,  
National Highways Projects,  
National Highways 332 A,  
Mamallapuram Pondhichery Via,  
No.16, Varadharajan Street,  
Vedachalam Nagar, Chengalpet 603 001.
2. The Divisional Engineer (Highways)  
National Highways Department,  
No. 206, Jawarharlal Nehru Road,  
Arumbakkam, Chennai 600 106.
3. The Project Director  
PIU Kancheepuram  
National Highways Authority of India,  
1/16, Govindarajan Street, West Tambaram, Chennai 600 045.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to dispose off petitioner's representation dated 05.10.2022 for proper valuation and assessment of the acquired land comprised in 119/A and 119/B, Mamallapuram Village, Thirukazhukundran Taluk, Chengalpettu District admeasuring 73 Sq meter and 74 sq meter within a time frame and pass orders.

For Petitioner : Mr. P.Gunaraj  
For Respondents : Mr.K.M.D.Muhilan  
1 and 2 Additional Government Pleader  
For Respondent-3 : Mr.S. Srinivasan  
Senior Counsel

### **ORDER**

The writ petition has been filed to consider the petitioners representation dated 05.10.2022.

2. The case of the petitioner is that the the petitioner's land were acquired for widening the National Highways. The grievance of the petitioner is that the 2<sup>nd</sup> respondent had not assessed the correct value of the subject property and submitted a improper valuation report to the first



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respondent. Hence the petitioner gave a representation to the first and second respondents on 05.10.2022 to re-assess the value of the acquired property. However, the first respondent arrived at a lesser compensation and passed an erroneous award on 14.10.2022 based on the valuation report given by the first respondent. Hence this petition.

3. The learned counsel for the petitioner submitted that the second respondent has undervalued the subject property and the report submitted by him is not in accordance with law. He further submits as the valuation report itself is not improper the award amount determined by the first respondent is very meager. Hence prays this Court to pass appropriate orders.

4. The learned Additional Government pleader appearing for the first and second respondents would submit that an extent of 2 sq.mts was acquired in SF.No.119/1A and 13 Sq.mts was acquired in SF.No.1B2 and compensation was also paid. He further submits that a notification was published under Section 3A of the National Highways Act to acquire 69 square meter in SF.No.119/1A and after issuing 3D notification

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compensation will be paid accordingly.

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5. Heard both sides and perused the materials available on record.

6. Admittedly the facts of the case are not in dispute the petitioner's land has been acquired to an extent of 2 sq.mts in SF.No.119 /1A and 13 Sq.mts was acquired in SF.No.1B2 and compensation was also paid. As per the submission made by the learned Additional Government pleader a notification under Section 3A of the National Highways Act was issued to acquire further lands to an extent of 69 sq.mts in Survey no.119/1A.

7. Considering the fact that the petitioner has given a representation before the first and second respondents, this Court grants liberty to the petitioner to file an appropriate application before the concerned District Collector under Section 3G(5) of the National Highways Act within a period of two weeks from the date of receipt of a copy of this order and after filing of such application the district collector is directed to dispose the same within a period of twelve weeks from the date of filing of such application. A further direction is also issued to the first and second respondents to



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consider if the application is filed by the petitioner with regard to the proposal to acquire an further extent of 69 sq.mts in Survey no.119/1A the same shall be considered in the manner directed above.

8. With the above terms, this present writ petition is disposed of. No costs. Consequently the connected miscellaneous petition is closed.

**31.10.2022**

Speaking Order : Yes/ No  
Index : Yes/ No

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To

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**M.DHANDAPANI,J.**

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