



W.P.No.30041 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

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M.Selvaraj

... Petitioner

VS.

1. The District Collector,
District Collectorate Complex,
Dharmapuri District.
2. The Competent Authority &
The District Revenue Officer (LA),
National Highways – 179A,
(Salem – Thirupathur – Vaniyambadi Road -
Widening / Four laning etc.)
Dharmapuri.
3. The Project Director,
National Highways Authority of India,
National Highways – 179A,
(Salem – Thirupathur – Vaniyambadi Road)
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to pass an Award by determining the compensation as per Section 26 of RFTLARR Act, 2013



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pertaining to the petitioner's land situate in Pudupatty Village, Pappireddipatti Taluk, Dharmapuri District, comprised in S.No.86/6, measuring an extent of 0.20.0 Hectare for the purpose of Salem – Thirupathur – Vaniyambadi road (widening / four laning etc.) Maintenance, Management and Operation of National Highways No.179A under National Highways Act, 1956, in line with the Award dated 30.09.2022 passed by the second respondent in Award No.3/2022, in respect of similarly placed land owners of the very same village by considering the petitioner's representation dated 18.12.2021.

For Petitioner : Mr.S.Senthil

For R1 and R2 : Mr.K.Karthik Jagannath
Government Advocate

For R3 : Mr.Su.Srinivasan
Standing counsel

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus to direct the 2nd respondent to pass an Award by determining the compensation as per Section 26 of RFTLARR Act, 2013 pertaining to the petitioner's land situated in Pudupatty Village, Pappireddipatti Taluk, Dharmapuri District, comprised in S.No.86/6, measuring an extent of 0.20.0 Hectare for the purpose of Salem – Thirupathur – Vaniyambadi road (widening / four laning etc.) Maintenance, Management and Operation of



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National Highways No.179A under National Highways Act, 1956, in line with the Award dated 30.09.2022 passed by the second respondent in Award No.3/2022, in respect of similarly placed land owners of the very same village by considering the petitioner's representation dated 18.12.2021.

2. It is the case of the petitioner that his land is sought to be acquired under the National Highways Act, 1956 (in short 'the Act'). Thereafter, a Notification u/s 3A(1) of the Act was issued on 01.11.2021 and the Government of India published a declaration u/s 3D(1) of the Act on 23.06.2022. However, the second respondent passed the Award dated 30.09.2022 in which the petitioner's land was excluded, for which the petitioner raised his objection and made a representation dated 18.12.2021, before the second and third respondents seeking determination of Award in respect of his property, pursuant to which the Divisional Engineer (National Highways), Salem had issued a reply dated 06.01.2022 stating that the petitioner's land is to be acquired for public purpose and the amount of compensation will be paid as per regulation. However, till date the second



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respondent has neither determined the compensation nor passed the Award.

Hence the present writ petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the second respondent to consider the petitioner's representation dated 18.12.2021 and pass appropriate orders within the time frame that may be stipulated by this Court.

4. Learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner has not come forward for private negotiation. Hence, the petitioner's land will be acquired in the manner known to law.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. Recording the submissions made by learned Government Advocate appearing for the respondents 1 and 2, no further adjudication is necessary in



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the present writ petition. Accordingly, this writ petition is closed. No costs.

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16.11.2022

RAP

To:

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M.DHANDAPANI, J.

RAP



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