



WEB COPY



W.P.No.31620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

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

W.P.No.31620 of 2022

1.Sitaraman Ravi
2.R.Rajeswari

... Petitioners

Vs.

1.The Arbitrator & District Collector,
Thiruvallur District.

2.The Competent Authority and
Special District Revenue Officer (LA),
NH 205, No.3 & 4, Lal Bahadur Sasthri Street,
Periyakuppam Railway Street,
Near Thulasi Theatre, Thiruvallur – 602 001.0

3.The Project Director,
National Highways Authority of India,
Project Implementation Unit-Chennai,
“SRI TOWER”, 3rd Floor, DP-34 (SP),
Industrial Estate, Guindy, Chennai-32.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to Award a compensation at Rs.800/- per sq.ft. i.e., Rs.8608/- per



W.P.No.31620 of 2022

sq.mtr. as also the Additional compensation u/s 3(G)(2) of National Highways Act, the Solatium and interest u/s 23(1A) & (2) and 28 of the Land Acquisition Act 1894 for the acquisition of their land comprised in New S.No.266/1C& 266/2C, Ayathur Village, Thiruvallur Taluk and District measuring an extent of 270 sq.mtrs.

For Petitioners	:	Mr.P.B.Sampathkumar
For R1 & R2	:	Mr.B.Vijay Additional Government Pleader
For R3	:	Mr.Su.Srinivasan Standing Counsel

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents herein to Award a compensation at Rs.800/- per sq.ft. i.e., Rs.8608/- per sq.mtr. as also the Additional compensation u/s 3(G)(2) of National Highways Act, Solatium and interest u/s 23(1A) & (2) and 28 of the Land Acquisition Act 1894 for the acquisition of their land comprised in New S.No.266/1C& 266/2C, Ayathur Village, Thiruvallur Taluk and District, measuring an extent of 270 sq.mtrs.

2. The case of the petitioners is that, they are the absolute owners of the property situated at Plot No.147, Abirami Garden,



W.P.No.31620 of 2022

WEB COPY

comprised in Old S.No.266/1, New S.No.266/1C & 266/2C, measuring an extent of 2887.50 sq.ft., Ayathur Village, Thiruvallur Taluk and District.

When the petitioners intended to construct a house in the aforesaid property, the petitioners came to know that their property has been acquired by the National Highways Authority of India for the purpose of widening of the NH 205. Therefore, the petitioners made a representation dated 17.08.2021 before the third respondent/National Highways Department for the payment of the compensation, pursuant to which, the second respondent passed an order for the payment of the compensation to the petitioners as determined by Award No.15 of 2010 dated 22.08.2011. Being not satisfied with the compensation paid to the petitioners is meagre, the petitioners made a letter/representation dated 27.12.2021 to the first respondent/District Collector, seeking reference to Arbitration for the enhancement of the Compensation. However, the first respondent declined the request of the petitioners dated 28.06.2022 stating that the reference to Arbitration should have been made within the period of limitation of award dated 22.08.2011. Hence, the petitioners have filed the present Writ Petition.



W.P.No.31620 of 2022

WEB COPY

3. The learned counsel for the petitioners submitted that, it would suffice, if this Court issues a direction to the respondents to consider the petitioners' representation dated 27.12.2021 and pass orders on the same within a stipulated time that may be fixed by this Court.

4. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader and learned Standing Counsel appearing for the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case, though the petitioners' land has been acquired and award for compensation was passed on 22.08.2011, the petitioners made a representation only on 27.12.2021 before the first respondent for the enhancement of the compensation, which is beyond the period of limitation of three years from the date of Award. Without challenging the said impugned order dated 28.06.2022, filing the present Writ Petition is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be granted.



W.P.No.31620 of 2022

WEB COPY

6. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioners to work out their remedy in the manner known to law. No costs.

28.11.2022

Index: Yes/No

Speaking Order : Yes/ No

jd

To

- 1.The Arbitrator & District Collector,
Thiruvallur District.
- 2.The Competent Authority and
Special District Revenue Officer (LA),
NH 205, No.3 & 4, Lal Bahadur Sasthri Street,
Periyakuppam Railway Street,
Near Thulasi Theatre, Thiruvallur – 602 001.
- 3.The Project Director,
National Highways Authority of India,
Project Implementation Unit-Chennai,
“SRI TOWER”, 3rd Floor, DP-34 (SP),
Industrial Estate, Guindy, Chennai-32.



WEB COPY



W.P.No.31620 of 2022

M.DHANDAPANI, J.

jd

W.P.No.31620 of 2022

28.11.2022