



W.P.No.1480 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.1480 of 2021

N.Loganathan

.. Petitioner

Versus

- 1) The District Collector Cum Arbitrator,
Chennai District, Chennai.
- 2) The Special District Revenue Officer, (LA),
National Highways 4 & 5,
Kancheepuram & Thiruvallur District.
- 3) The Special Tahsildhar (LA),
Office of Tahsildhar,
National Highways,
2nd Floor, Poonamallee,
Chennai – 600 056.
- 4) The Project Director,
National Highways Authority of India,
No.D.P.34, Sri Towers,
3rd Floor, South Phase,
Industrial Extension, Guindy,
Chennai – 600 032.

.. Respondents



W.P.No.1480 of 2021

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order of the first respondent in R.C.No.J17/24808/2018 dated 30.04.2019 and quash the same and consequently direct the second respondent to enhance the amount of compensation passed by the second respondent in Award No.RC No.50/2006/A/NH//TVR dated 28.03.2007.

For Petitioner : Mr.Karthik for M/s.R.K.Law Firm

For Respondents : Mr.V.Veluchamy,
Addl. Government Pleader for RR1 to 3

Mr.Su.Srinivasan, Standing Counsel
for NHAIR4

ORDER

This writ petition has been filed to quash the impugned order of the first respondent in R.C.No.J17/24808/2018 dated 30.04.2019 and for a consequential direction to the second respondent to enhance the amount of compensation passed by the second respondent and Award No.RC No.50/2006/A/NH//TVR dated 28.03.2007.



W.P.No.1480 of 2021

WEB COP 2

Learned counsel appearing for the petitioner would submit that in respect of the other land owners in Kathirvedu Village, the respondents have enhanced the compensation, but the petitioner was singled out and hence he filed writ petition in W.P.No.9484 of 2018, in which, this Court by order dated 18.04.2018 issued a directions to the first respondent to consider the petitioner's representation dated 27.03.2018 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties. But, even after passing the above said order, the first respondent without considering the petitioner's representation and affording opportunity of hearing, passed the impugned order, rejecting the claim of the petitioner for enhancement.

3 Heard the learned counsel appearing for the petitioner. Even though the writ petition is of the year 2021, no counter is filed by the respondents and the learned Additional Government Pleader for the respondents 1 to 3 has also stated that he has no instructions and seeking adjournment, which shows that they are not showing any interest in assisting the Court to dispose of the petitions.



W.P.No.1480 of 2021

4 It is the second round of litigation and earlier when the petitioner

approached this Court, direction was issued to the first respondent to consider the petitioner's representation and pass orders after affording opportunity of hearing to the necessary parties. But, in the impugned order it is seen that the first respondent, without issuing notice and affording opportunity of hearing to the petitioner, passed the impugned order.

5 Therefore the impugned order passed by the first respondent in R.C.No.J17/24808/2018 dated 30.04.2019 is hereby quashed and the first respondent is directed to issue notice to the petitioner and conduct enquiry and receive any documents to be filed by the petitioner and dispose of the petitioner's representation dated 27.03.2018 in accordance with law within a period of two months from the date of receipt of a copy of this order.

6 With the above directions the writ petitions stands disposed of. No costs.

06.12.2023

Index: Yes/No
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W.P.No.1480 of 2021

WEB COPY

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W.P.No.1480 of 2021

P.VELMURUGAN, J.,

cgi

W.P.No.1480 of 2021

06.12.2023