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W.P.Nos.11297 & 11298 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.11297 & 11298 of 2019

T.S.Durai
T.S.Kumar

...Petitioner in W.P.No.11297 of 2019
...Petitioner in W.P.No.11298 of 2019

Vs.

1.The District Collector-cum-Arbitrator,
Villupuram.

2.The Project Director,
National Highways,
Door No.212-3/D31, Eri Nagar Colony,
Narasudhipatti,
Salem – 636 004.

3.The Special Tahsildar,
cum District Revenue Officer,
Salem District.

..Respondents in both W.Ps.

Prayer in W.P.No.11297 of 2019: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the proceedings in



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Na.Ka.(Arbit) A2 /27023 /2017 dated 11/10/2017 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to enhance the compensation for acquisition of the lands of the petitioners in Survey No.35/ 6 A measuring 520 Square Meter from Rs.19/- to Rs.30/- on par with the enhancement conferred on Mr.P.Varadharajan in the proceedings in Na.Ka.(Arbit) Aa2 /14809 of 2013 dated 17/06/2016.

Prayer in W.P.No.11298 of 2019: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the proceedings in Na.Ka.(Arbit) A2 /27024 /2017 dated 11/10/2017 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to enhance the compensation for acquisition of the lands of the petitioners in Survey No.35/ 6 A measuring 520 Square Meter from Rs.19/- to Rs.30/- on par with the enhancement conferred on Mr.P.Varadharajan in the proceedings in Na.Ka.(Arbit) Aa2 /14809 of 2013 dated 17/06/2016.

For Petitioner in
both W.Ps. : Mr.S.Mani

For Respondents 1 & 3
in both W.Ps : Mr.P.Kumaresan,
Additional Advocate General,
Assisted by,
Mr.D.Ravichander,
Special Government Pleader

For Respondent 2
in both W.Ps. : Mr.Su.Srinivasan



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COMMON ORDER

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2. It is not in dispute that the lands belonged to the petitioners were acquired for National Highways Projects at Cuddalore. The acquisition proceedings were initiated in the year 2008 and the award was passed in the year 2009.

3. Admittedly, the petitioners had received the compensation amount determined by the competent authority. Thereafter, the petitioners preferred separate applications under section 3G(5) of the Act. The said applications were rejected by the authority in proceedings dated 11.10.2017 on the ground that the petitions itself were filed beyond the period of limitation.

4. The learned counsel for the petitioners mainly contended that the applications submitted by the similar persons were considered by the authorities, after the period of limitation and therefore, similar treatment is to be granted to the petitioners also.

5. An illegality, if any committed by an authority cannot be a ground



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to claim equality under Article 14 of the Constitution of India. Any illegality is to be rectified and therefore, citing such irregular activities of the authorities, the petitioner cannot seek equality before the High Court in a Writ Proceedings.

6. Admittedly, the applications were filed under section 3G(5) of the Act, after a lapse of six years two months and twenty one days. The period of limitation is three years from the date of passing of the award. Since the applications were filed far beyond the period of limitation, there is no reason to interfere with the orders impugned passed by the respondents.

7. With these observations, the writ petitions stand dismissed. No costs.

01.08.2023

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Index : Yes/No

Speaking Order/ Non-speaking Order

Neutral Citation: Yes/No



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