



W.P.No.11294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11294 of 2023

Muniraj

...Petitioner

Vs

- 1.The Secretary to Government,
Ministry of Road Transport &
Highways, Government of India,
National Highways Authority of
India, G 5 & 6, Sector - 10,
Dwarka, New Delhi-110075.
- 2.The District Collector,
Collectorate Office,
Dharmapuri District
Dharmapuri-15.
- 3.The Competent Authority &
Special District Revenue Officer -
Land Acquisition, National Highways-
844 (Hosur-Royakottai-Dharmapuri
Section), Dharmapuri.
- 4.The Project Director (NH 844),
National Highways Authority of
India, PIU-Krishnagiri, 259/1,
Salem Main Road, Near KAKC
Petrol Bunk, Krishnagiri.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the claim/representation dated 26.12.2022 made by the petitioner under Section 3G(5) of the National Highways Act by reconsidering Award dated 16.8.2022 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844 (Hosur - Royakottai - Dharmapuri Section) and re- fix the compensation as per the provision of Schedule I and II and Section 26(1) a and b of the Central Act 30 of 2013 and enhance the compensation in respect of acquired land measuring 1050 sq.mtrs. comprised in S.No.99/7, New S.No.99/7B covered in patta No.1344 and land measuring 219 sq.mtrs comprised in S.No.99/1A1, New S.No.99/1A2 covered in patta No.125, Echanahalli Village, Denkanikottai Taluk, Krishnagiri District and grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics in respect of the locality and revenue village in which the petitioner's land is situated obtained from the Registration Department and allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provision of Schedule I and II and Sections 26 to 30 of the Central Act 30 of 2013 within the time frame to be fixed by this Court and also following the procedure contemplated under Sections 18 to 27 of the Arbitration and Conciliation Act.

For Petitioner : Mr.R.Ramesh Raja

For Respondent-1 : Ms.R.Durga Rani



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For Respondents 2 & 3 : Mr.V.Veluchamy,
Additional Government Pleader

For Respondent-4 : Mr.Su.Srinivasan

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking a direction to the second respondent to pass appropriate orders on the claim petition dated 26.12.2022 filed under Section 3G(5) of the National Highways Act by reconsidering the award dated 16.8.2022 passed by the third respondent.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in



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invoking its extraordinary powers under Article 226 of Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's claim petition dated 26.12.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons who may be interested in the subject property, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

RS/SNI

To

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