



W.P.No. 13351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13351 of 2023

Venkatachalam

... Petitioner

Vs

- 1.The District Collector,
Dharmapuri District.
- 2.The Competent Authority &
District Revenue Officer,
Land Acquisitions NH-844,
Dharmapuri District.
- 3.The Special Tahsildar,
Land Acquisitions NH-844 (Unit-II),
Dharmapuri District.
- 4.The Village Administrative Officer,
Velagalahalli Village,
Dharmapuri District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner appeal dated 26.07.2021, for re-survey and re-fixation of compensation awarded in Roc.03/2018/LA dated :10.03.2021 for my lands and a well in Survey No.22/4B of an extent of 868 sq.mtrs situated at Velagalahalli Village, Palacode, Dharmapuri District.



W.P.No. 13351 of 2023

For Petitioner : Mr.P.Sharmila

For Respondents : Mr.G.Krishnaraja

Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the appeal filed by the petitioner on 26.07.2021 to the District Collector to re-survey the acquired land and to re-fix the compensation which was awarded in Proceedings dated 10.03.2021.

2. The petitioner was owning the subject property which was acquired by the Government for expansion of National Highways. It is not in dispute that the subject property was acquired and the road widening projects were completed. The petitioner has already received the compensation as awarded by the competent authority.

3. The learned counsel for the petitioner states that the well situated in the subject property was not measured properly and therefore the petitioner has submitted an appeal to the District Collector to re-survey the land and to re-fix the compensation.



W.P.No. 13351 of 2023

4. This Court is of the considered opinion that the petitioner is entitled to seek an enhancement of compensation by following the procedures as contemplated under the Land Acquisition Act. After the completion of the road widening project, question of re-measuring or re-surveying the land does not arise at all, since the project had already been completed. This being the factum. The petitioner is at liberty to submit a fresh application seeking enhancement of compensation by following the procedures as contemplated and in the event of receiving any such appeal from the petitioner, the District Collector may consider the same on merits and in accordance with law as expeditiously as possible.

5. With the above observations, the Writ Petition stands disposed of. There shall be no order as to costs.

01.06.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

3/5



W.P.No. 13351 of 2023

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W.P.No. 13351 of 2023

S.M.SUBRAMANIAM, J.

Sgl

W.P.No.13351 of 2023

01.06.2023