



WEB COPY

W.P.No.14479 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.14479 of 2018

E.Maheshwari

... Petitioner

Vs.

1. The District Collector
Namakkal

2. The Competent Authority cum
District Revenue Officer
NH-7 & 47, Namakkal District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the 1st respondent to the impugned proceedings in Na. Ka. No. 36896/2010/Arbitration dated 08.05.2018, quash the same and further direct the 1st respondent to hear the claim petition preferred by the petitioner.

For Petitioner : M/s.I.Abrar Md Abdullah

For Respondents : Mr.V.Veluchamy
Additional Government Pleader



ORDER

This Writ Petition is filed seeking to issue a writ of Certiorarified Mandamus to call for the records of the 1st respondent to the impugned proceedings in Na. Ka. No. 36896/2010/Arbitration, dated 08.05.2018 and quash the same and further direct the 1st respondent to hear the claim petition preferred by the petitioner.

2. The contention of the petitioner is that the petitioner's land was acquired by the 2nd respondent for the purpose of expansion of NH-7 & 47 and after enquiry conducted by the 2nd respondent under Section 3(G)(5) of the National Highways Act, 1956, Award was passed in the year 2018 and she received the Award amount on 15.07.2008 under protest subject to filing application for enhancement of compensation. Thereafter, she made a claim application for enhancement of compensation on 05.01.2009 itself before the Tahsildar, Namakkal, and subsequently to the 1st respondent on 23.08.2011 by registered post. However, the 1st respondent rejected the claim on the ground of delay stating that the application was made beyond the period of 3 years. Hence, the present writ petition is filed before this Court.

3. Heard and perused the materials available on record.



WEB COPY

4. Though the petitioner stated that she made the application for enhancement of compensation on 05.01.2019 itself before the Tahsildar, Namakkal, the said Tahsildar has not been impleaded as a party in this writ petition. Further, the acknowledgement card produced by the writ petitioner shows that the petitioner's representation was received by the 1st respondent only on 24.08.2011.

5. Once a person received the compensation under protest, he is entitled to claim enhancement of compensation within a reasonable time from the date of Award and if he fails to make the claim within the reasonable time before the competent authority, he is not entitled for the same. In this case, the petitioner has not proved that she made the claim for enhancement of compensation before the competent authority within a reasonable time from the date of Award. Therefore, this Court does not find any perversity in the impugned order passed by the 1st respondent. Hence, there is no merit in this writ petition and the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to the costs.



WEB COPY

W.P.No.14479 of 2



20.12.2023

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Collector
Namakkal

2. The Competent Authority cum
District Revenue Officer
NH-7 & 47, Namakkal District

W.P.No.14479 of 2



WEB COPY



WEB COPY

W.P.No.14479 of 2



P.VELMURUGAN. J.

Ksa-2

W.P.No.14479 of 2018

20.12.2023