



WEB COPY

W.P.No.15533 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15533 of 2022

R.Gunasekaran

... Petitioner

Vs.

1.The District Collector cum Arbitrator,
Namakkal District,
Namakkal.

2.The Competent Authority and District,
Revenue Officer, Namakkal (Land Acquisition
for National Highways), Namakkal,
Collectorate Campus,
Thummankurichi,
Namakkal.

3.The Project Director,
National Highways Authority of India,
(Project Implementation Unit),
Door No.212-3/D3-1 Srinagar Colony,
Narasothipatti,
Salem – 636 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to the impugned proceedings in Na.Ka.28689/2021/Arbit, dated 28.12.2021, quash the same and further direct the 1st respondent to hear the claim petition dated 05.10.2021 preferred by the petitioner under Section 3(G)(5) of the National Highways Act, 1956.



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For Petitioner	: Mr.S.Senthil
For R1 & R2	: Mr.C.Jayaprakash, Government Advocate
For R3	: Mr.Su.Srinivasan (For NHAI)

ORDER

The memo dated 28.12.2021 issued by the District Collector, Namakkal is under challenge in the present Writ Petition.

2. The petitioner preferred a petition under Section 3-G(5) of the National Highways Act, 1956 seeking enhancement of compensation in respect of the land acquired from the petitioner.

3. It is not in dispute that the acquisition proceedings were initiated in the year 2007 and completed in the year 2008. An award was passed and thereafter, compensation determined was also settled. The petitioner has not submitted any application seeking enhancement of compensation within the prescribed time limit. Contrarily, he had filed a petition before the District Collector under Section 3-G(5) of the National Highways Act on 26.11.2021, which was received by the District Collector on 03.12.2021. The same was rejected on the ground of delay of about 14 years.



4. On receipt of the compensation, if at all the petitioner is aggrieved, petition under Section 3-G(5) of the National Highways Act ought to have been filed within the prescribed time limit of three years. However, the petitioner has been filed a petition after a lapse of 14 years and therefore, the District Collector has rightly rejected the petition on the ground of enormous unexplained delay, which cannot be condoned and it is to be construed as uncondonable delay.

5. Thus, the Writ Petition, which is devoid of merits, is dismissed.

No costs.

05.09.2023

skr

Index : Yes

Speaking order

To

1.The District Collector cum Arbitrator,
Namakkal District,
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