



WEB COPY

WP No.15729 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.15729 of 2023

And

WMP No.15198 of 2023

Muthammal

... Petitioner

Vs.

1.The Secretary to Government,
Ministry of Road Transport and Highways,
Government of India,
National Highways Authority of India,
G 5 and 6, Section-10, Dwarka,
New Delhi – 110 075.

2.The District Collector,
Collectorate Officer,
Dharmapuri District,
Dharmapuri-15.

3.Competent Authority and 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

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to pass appropriate orders on the reference/representation dated 29.11.2022 made by the petitioner, by appointing competent Engineers/Officials for assessing the value of the structure and amenities in Petroleum Bunk etc., comprised in S.No.447 and hence and pay appropriate compensation to the petitioner by reconsidering the Awards dated 17.08.2021 by strictly following the procedure contemplated under Sections 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) 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.

For Petitioner : Mr.M.Selvam

For Respondent-1 : Mr.R.Subramanian,
Central Government Standing
Counsel.

For Respondents-2 and 3: Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-4 : Mr.Su.Srinivasan



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ORDER

The land belonging to the petitioner was acquired for implementing Public Projects.

2. The learned counsel appearing on behalf of the petitioner made a submission that the Authorities Competent have determined the compensation to be settled.

3. Aggrieved by the determination, the petitioner submitted representation for reconsideration of the same and the said representation has not been considered.

4. The learned Additional Government Pleader appearing on behalf of the respondents 2 and 3 brought to the notice of this Court that the District Collector has already decided the issues regarding enhancement of compensation and therefore, the petitioner has to prefer an appeal before the jurisdictional Principal District Judge for adjudication of issues. Thus the petitioner is at liberty to file an appeal before the concerned Principal



District Judge for enhancement of compensation or otherwise.

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5. With the above liberty, the writ petition stands disposed of.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

02-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Secretary to Government,
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National Highways Authority of India,
G 5 and 6, Section-10, Dwarka,
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2. The District Collector,
Collectorate Officer,
Dharmapuri District,
Dharmapuri-15.
3. Competent Authority and Special District
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4. The Project Director (NH 844),
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S.M.SUBRAMANIAM, J.

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