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W.P.No.28789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.28789 of 2023

M/s.Swami Feeds (P) Ltd.,
Rep.by its Managing Director,
P.Muthusamy

...
Vs.

Petitioner

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Competent Authority/
Special District revenue Officer,
(Land Acquisition)
National Highways No.948-A,STRR,
Hosur, Krishnagiri District.

...

Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to refer the matter to the Arbitrator/District Collector, Krishnagiri for enhancement of the compensation amount in respect of S.F.No.1074/1C2 measuring 2000 sq.meters, Bairamangalam Village, Tenkanikottai Taluk, Krishnagiri District by considering the petitioner's representation dated 12.05.2023 under Section 3 G (5) of the National



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Highways Act, 1956 r/w Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The petitioner has come forward with this writ petition praying for issuance of Writ of Mandamus directing the respondents to refer the matter to the Arbitrator/District Collector, Krishnagiri for enhancement of the compensation amount in respect of S.F.No.1074/1C2 measuring 2000 sq.meters, Bairamangalam Village, Tenkanikottai Taluk, Krishnagiri District by considering the petitioner's representation dated 12.05.2023 under Section 3 G (5) of the National Highways Act, 1956 r/w Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013.

2.It is submitted by the learned counsel for the petitioner that



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the petitioner made a representation by way of arbitration proceedings dated 12.05.2023. So far, he has not received any notice/summon for enquiry on the application/representation made by him. Therefore, he has filed the present writ petition to issue a writ of mandamus directing the respondents to refer the matter to the Arbitrator/District Collector, Krishnagiri for enhancement of the compensation amount.

3.Heard the learned Additional Government Pleader appearing for the respondents.

4.Under these circumstances, the learned Additional Government Pleader is not in a position to give information as to whether the representation given by the petitioner was taken on file and any proceedings has been initiated so far or not. Therefore, the writ petitioner, who lost his land, is entitled to get a fair compensation and the petitioner feels that the award fixed by the competent authority is not fair compensation and he has got every right to file an appeal before the District Collector or Arbitrator when the statutory authority without



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giving any response keeping mum is not the right way adopted by the respondent and therefore, even though representation was made on 12.05.2023, still now there is no communication from the first respondent or the second respondent about the representation made by him. Accordingly, the writ petition is disposed of on the following condition that the first respondent is directed to immediately proceed the matter in the manner known to law after giving opportunity to both the petitioner/land owner and beneficiary/the authority and disposed the same in accordance with law within a period of 30 days from today. No costs.

Index:Yes/No

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Speaking Order: Yes/No

sms

To

1.The District Collector,
Krishnagiri District, Krishnagiri.

2.The Competent Authority/
Special District revenue Officer,
(Land Acquisition)
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P.VELMURUGAN, J.

sms

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