



W.P.No.32645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32645 of 2023

Suresh Chand Jain
S/o.Madanlal Jain

... Petitioner

versus

1. The District Collector / Arbitrator
Mayiladuthurai District Collectorate
Tamil Nadu - 609 001.
2. The Competent Authority and
Special District Revenue Officer
National Highways No.45A (Land Acquisition)
District Collectorate
Villupuram.
3. The Project Director
National Highways Authority of India (NHAI)
(Ministry of Road Transport and Highways)
No.19, Govindasamy Nagar
Vzhudha Reddy Post
Villupuram - 605 401.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Certiorarified Mandamus calling for the records of the 1st



W.P.No.32645 of 2023

respondent in Ta.Pa.03/2020/Ar-II/Sattanathapuram/Nanjai dated 11.11.2022 communicated to petitioner on 02.11.2023, quash the same and consequently, direct the 1st respondent to conduct a fresh enquiry for awarding an enhanced compensation to the petitioner's land in S.No.445/2 in Sattanathapuram Village, Sirkazhi Taluk, Mayiladuthurai District after giving him a reasonable opportunity.

For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R2
Mr.Su.Srinivasan
Standing Counsel for NHAI
for R3

ORDER

Mr.V.Veluchamy, learned Additional Government Pleader accepts notice for respondents 1 and 2. Mr.Su.Srinivasan, learned Standing Counsel accepts notice for third respondent. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

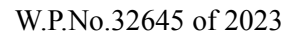
2. The writ petition has been filed challenging the order dated 11.11.2022 passed by the first respondent and consequently directing the



W.P.No.32645 of 2023

first respondent to conduct a fresh enquiry for awarding enhanced compensation to the petitioner's land in S.No.445/2 in Sattanathapuram Village, Sirkazhi Taluk, Mayiladuthurai District.

3. One Thirunavukkarasu executed a registered General Power of Attorney dated 15.12.2005 in favour of the petitioner for the purpose of developing the lands measuring 3 acres and 23 cents (wet lands) in S.No.445/2, Sattanathapuram Village, Sirkazhi Taluk, Mayiladuthurai District into housing plots and selling it to buyers and the said Power is still in force. While so, the National Highways Authority issued Section 3A(1) notification dated 29.02.2017 under the National Highways Act to acquire the subject lands. The petitioner herein raised his objection to the acquisition and participated in the enquiries conducted by the second respondent on 29.10.2020 and 10.04.2021 for determining the compensation payable under Section 3G(1) of the National Highways Act. Aggrieved by the quantum of compensation determined, the petitioner herein filed an appeal before the Arbitrator i.e., the first respondent. In the said appeal, the petitioner was called for an enquiry on 11.11.2022 and on the said day, the



4. It is mainly contended by the learned counsel for the petitioner that first respondent has not considered any of the objections raised by the petitioner and passed the order dated 11.11.2022 without even giving sufficient opportunity to the petitioner.

5. The learned Additional Government Pleader for respondents 1 and 2 submits that the petitioner attended the enquiry on 11.11.2022 and hence, the contention of the learned counsel for the petitioner that the order has



W.P.No.32645 of 2023

been passed without even giving sufficient opportunity to the petitioner is incorrect. He further submits that an alternative remedy is available before the Principal District Judge.

6. Considering the facts and circumstances of the case and considering the fact that the order has been passed after giving opportunity to the petitioner, this Writ Petition is dismissed by granting liberty to the petitioner to file an appeal before the concerned Principal District Judge. However, the period that has been spent by the petitioner in prosecuting the writ petition is exempted for the purpose of calculating the limitation period. There shall be no order as to costs.

20.11.2023

Speaking/Non-speaking order

Index: Yes/No

Neutral citation : Yes/No

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W.P.No.32645 of 2023

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W.P.No.32645 of 2023

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W.P.No.32645 of 2023

20.11.2023

Pg.Nos.7/7