



W.P.No.2733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.2733 of 2024

M.Raghunathan

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Special District Revenue Officer,
(Land Acquisition),
National Highways No.209,
Dindigul – 624 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to refer the matter to the Appropriate Authority under Section 3 (G) (5) of the National Highways Act 1956 for determination of proper compensation in respect of the petitioner's land in Survey No. 142/2A measuring 2890 sq.mtrs and Survey No.143/3A measuring 151 sq.mtrs in Puliypatti Village Pollachi Taluk Coimbatore District.



W.P.No.2733 of 2024

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the second respondent herein to refer the matter to the Appropriate Authority under Section 3- G (5) of the National Highways Act, 1956 for determination of proper compensation in respect of the petitioner's land in Survey No. 142/2A, measuring 2890 sq.mtrs and Survey No.143/3A, measuring 151 sq.mtrs in Puliypatti Village Pollachi Taluk Coimbatore District.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. It is the contention of the petitioner that his land was



W.P.No.2733 of 2024

acquired by the acquisitioning body for the purpose of widening National Highways under the National Highways Act, 1956. Award was passed on 11.12.2020 and the same was communicated to the petitioner. Further, during Covid period also the Hon'ble Supreme Court has given exemption for the period of limitation in filing any suit/application/proceedings . Since the petitioner has not satisfied with the Award amount, he presented the representation before the District Revenue Officer, namely the second respondent herein on 03.02.2023 to refer the representation to the appropriate authority for determination of proper compensation. Thereafter, there is no communication from either the second respondent or from the first respondent. It is the duty of the second respondent that on receiving the representation regarding reference, he has to make a reference before the District Collector/Arbitrator. The second respondent has not communicated the the petitioner's representation to the first respondent. Therefore, he has not received any notice/summon/communication from the first respondent.

4. Acquisition of land and passing of Award are not in



W.P.No.2733 of 2024

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question. It is seen from the records that award was passed on 11.12.2020. It is the contention of the petitioner that the Award was communicated to the petitioner. Aggrieved by the Award amount, he made representation dated 03.02.2023 before the second respondent. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 03.02.2023 and pass orders on merits and in accordance with law within a period of three months from the date of receipt of copy of this order.

5. With the abovesaid direction, The Writ Petition is disposed of.

There shall be no order as to costs.

08.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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W.P.No.2733 of 2024

To

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W.P.No.2733 of 2024

P.VELMURUGAN, J.

mfa

W.P.No.2733 of 2024

08.02.2024