



WEB COPY



W.P.No.3051 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.3051 of 2020
and W.M.P.No.3572 of 2020

1.G.Manikkam

2.M.Shanthi

... Petitioners

Vs.

1.The Project Director,
National Highways Authority of India (NHAI),
PIU-"Sri Tower" DP 34 (SP),
Industrial Estate,
Guindy, Chennai – 600 032.

2.The Competent Authority (CALA) and
Special District Revenue Officer (LA),
National Highways,
Kancheepuram and Thiruvallur Districts,
Kancheepuram.

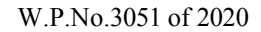
3.The District Collector,
Thiruvallur District,
Thiruvallur.

(R3 impleaded by this Court vide order dated 29.07.2024 in WMP.No.23240
of 2024 in WP.No.3051 of 2020 by JSNPJ)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus directing the second respondent to
consider the representation of the petitioners dated 10.01.2020 after giving

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For Respondent 1 : Mr.Su.Srinivasan
For Respondents 2 & 3 : M/s.M.Jayanthy,
Additional Government Pleader

2. The case of the petitioners is that the petitioners are husband and wife. The petitioners' land situated in Kilmudulambedu – I Village, Gummidipoondi Taluk, Thiruvallur District was acquired by the National Highways Department. Thereafter, notification under Section 3A (1) and declaration under Section 3D (1) of National Highways Act, 1956 was published. Subsequently, the Special District Revenue Officer passed revised draft award with regard to compensation as per the Right to Fair Compensation and Resettlement Act, 2013, wherein the name of the first



petitioner was reflected in Sl.No.5 to 8. However, instead of second petitioner's name, one Anthoni Siluvai Thangam name was reflected in Sl.No.16. Hence, the petitioners approached the authorities concerned and gave representation pointing out the error in the name of the owner and also sought for the revision of the amount awarded to them.

2.1. Subsequently, the first petitioner was given a copy of an order passed by the second respondent in Rc.No.270/210/NH-5/TVR dated 08.05.2018. In the said report, the total compensation awarded to the first petitioner was Rs.75,44,188/-. However, the first petitioner has been deposited with only a sum of Rs.56,46,972/- on 25.01.2019 and the name of the second petitioner has not yet been changed. Therefore, the petitioners made a representation dated 10.01.2020 before the second respondent. But, the same was not considered till date. Hence, the petitioners have come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioners submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioners'



representation dated 10.01.2020, within a time frame to be fixed by this Court.

4. Learned counsel appearing for the first respondent submitted that the third respondent is the competent authority for passing appropriate order. Hence, this Court may direct the third respondent to decide the matter and pass appropriate order on merits and in accordance with law.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the limited prayer sought for by the learned counsel for the petitioners, this Court without going into the merits of the case, issues following directions:

(i) Since the third respondent is the competent authority to consider the petitioners' representation, the second respondent is directed to forward the said representation dated 10.01.2020 to the third respondent.

(ii) On receipt of the said representation dated 10.01.2020, the third respondent is directed to consider the same by conducting a detailed enquiry after giving due notice to the petitioners, affording an opportunity of personal



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hearing, to consider the relevant documents submitted by the petitioners at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is also closed.

29.07.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

Note: Registry is directed to carry out the necessary amendment in the cause title.

To:

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Special District Revenue Officer (LA),
National Highways,
Kancheepuram and Thiruvallur Districts,
Kancheepuram.

J.SATHYA NARAYANA PRASAD,J.

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3.The District Collector,
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