



W.P.No.3502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3502 of 2024

and

W.M.P.No.3757 of 2024

1.M.Karunanidhi
2.M.Senthil Velan
3.S.Sharmila

... Petitioners

versus

1.The District Collector/Sole Arbitrator,
Dharmapuri District,
Collectorate Complex, Dharmapuri – 636 705.

2.Competent Authority &
Special District Revenue Officer – Land Acquisition,
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri – 636 705.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Mandamus, directing the respondent authorities to act



W.P.No.3502 of 2024

WEB COPY

upon the representations dated 10.05.2022 and 20.12.2023 submitted by the petitioners for correcting the error committed by the first respondent in applying the land value of Rs.88.92 per sq.mts (Rs.8.31 per sq.ft) in the order dated 18.04.2022, for petitioner's land in S.No.417/1A and 1B A.Reddihalli Village, Dharmapuri Taluk and District and apply the land value of Rs.3641.95 per sq.mtsr. (Rs.340.36 per sq.ft) which is already fixed by the first respondent to the adjacent lands in S.No.418 of A.Reddihalli Village (which is the next boundary of the petitioners' land) and accordingly order enhancement of compensation to the petitioners within a time to be stipulated by this Court.

For Petitioners : Mr.S.Thanka Sivan
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of



W.P.No.3502 of 2024

mandamus, directing the respondents/authorities to act upon the representations dated 10.05.2022 and 20.12.2023 submitted by the petitioners for correcting the error committed by the first respondent in applying the land value of Rs.88.92 per sq.mts (Rs.8.31 per sq.ft) in the order dated 18.04.2022, for petitioner's land in S.No.417/1A and 1B A.Reddihalli Village, Dharmapuri Taluk and District and apply the land value of Rs.3641.95 per sq.mts. (Rs.340.36 per sq.ft) which is already fixed by the first respondent to the adjacent lands in S.No.418 of A.Reddihalli Village (which is the next boundary of the petitioners' land) and accordingly order enhancement of compensation to the petitioners within a time to be stipulated by this Court.

3. According to the petitioners, their lands comprised in S.Nos.417/1A and 1B of A.Reddihalli Village, Dharmapuri Taluk and District, were acquired by the respondents for expansion of National Highways 844 and the second respondent herein passed an Award on 17.03.2022. Since the Award amount fixed by the competent authority was meager, the petitioners preferred an appeal before the first respondent



W.P.No.3502 of 2024

seeking enhancement of compensation. The first respondent, vide order dated 18.04.2022, fixed the value of Rs.88.92 per sq.mtr (Rs.8.31 per sq.ft).

However, the first respondent has already fixed the market value for the adjacent land in S.No.418 as Rs.3641.95 per sq.mtr. which is equivalent to Rs.340.36 per sq.ft. Hence, the petitioners have given representation to the first respondent on 20.12.2023, seeking to correct the land value and issue fresh Award in respect of the petitioners' property. Since no action was taken, the present writ petition is filed.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioners have already made application before the first respondent for enhancement of compensation and the first respondent also passed order on 18.04.2022. The learned Additional Government Pleader further submitted if at all the petitioners are being still aggrieved with the compensation fixed by the first respondent, they have to challenge the same before the Land Tribunal. Instead of challenging the same, the petitioners have once again given representation seeking to correct the land value and issue fresh Award.



W.P.No.3502 of 2024

WEB COPY

5. Heard both sides and perused the materials available on record.

6. On a perusal of the records, it is seen that, based on the Arbitration petitions given by the petitioners dated 16.07.2020 and 06.08.2021, for enhancement of compensation, the first respondent passed a detailed order on 18.04.2022, rejecting the request of the petitioners. However, the petitioners, without challenging the said order before the competent authority, have once again they have given representations to the first respondent on 10.05.2022 and 20.12.2023 and also filed the present writ petition. Once the respondents have already considered the petitions given by the petitioners and passed orders on merits and also expressed their views in the claim of the petitioners, petitioners cannot file the writ petition. Therefore, this writ petition is not maintainable. However, the petitioners are at liberty to work out their remedy in the manner known to law.

7. In view of the above, this Writ Petition is dismissed in-limine. However, there shall be no order as to costs.

Pg.Nos.5/7



W.P.No.3502 of 2024

WEB COPY

8. W.M.P.No.3757 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

15.02.2024

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

To

- 1.The District Collector/Sole Arbitrator,
Dharmapuri District,
Collectorate Complex, Dharmapuri – 636 705.
- 2.Competent Authority &
Special District Revenue Officer – Land Acquisition,
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri – 636 705.

Pg.Nos.6/7



WEB COPY



W.P.No.3502 of 2024

P.VELMURUGAN, J.
ms

W.P.No.3502 of 2024

15.02.2024

Pg.Nos.7/7