



W.P.No.6073 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.6073 of 2024

Masilamani

... Petitioner

Vs.

- 1 The District Collector,
Namakkal District,
Thiruchengode Road,
Namakkal.
- 2 The Competent Authority and
District Revenue Officer,
Namakkal,
Thiruchengode Road,
Namakkal.
- 3 The Project Director,
National Highways Authority of India,
212- 3/D3, Srinagar Colony,
Narasothipatti,
Salem- 636 004.
- 4 The Tahsildar,
Mohanur Road,
Namakkal Taluk,
Namakkal.
- 5 The Village Administrative Officer,



W.P.No.6073 of 2024

Sellapampatti village,
Namakkal District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to determine and to pay the compensation to the petitioner pertaining to his land situate in Sellapampatti Village, Namakkal Taluk and District comprised in S.No.73/6, measuring an extent of 51.5 cents acquired by the respondents for the purpose of forming National Highway No.7, under the National Highways Act 1956, by invoking Sec. 26 of the RFCTLARR Act for determination of market value by considering the petitioner's representation dated 11.12.2023 within the time frame.

For Petitioner : Mr.S.Senthil

For R1, R2, R4 & R5: Mr.A.Selvendran
Special Government Pleader

For R3 : Mr.Su.Srinivasan,
SC for NHAI



W.P.No.6073 of 2024

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ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to determine and to pay compensation to the petitioner pertaining to his land situated in Sellapampatti Village, Namakkal Taluk and District comprised in S.No.73/6, measuring an extent of 51.5 cents, acquired by the respondents for the purpose of forming National Highway No.7, under the National Highways Act 1956, by invoking Sec. 26 of the RFCTLARR Act for determination of market value by considering the petitioner's representation dated 11.12.2023 within the time frame.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader and appearing for the official respondents 1,2,4 and 5 and the learned Standing Counsel appearing for the third respondent and perused the materials available on record.



W.P.No.6073 of 2024

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3. Learned counsel for the petitioner that petitioner's land was acquired for the purpose of laying National Highways. Subsequently while laying the road, the authorities have acquired excess of land. The petitioner has made the representation for conducting survey and to fix the exact extent of land which was acquired from his land and to pay adequate compensation. Initially the Special Officer/District Revenue Officer (DRO) sent summons on 12.03.2019 and fixed the date of enquiry on 20.03.2019. The petitioner appeared before the authorities and submitted his representation. Thereafter, the second respondent has also issued memorandum on 07.08.2019, directing the authorities concerned to conduct survey and verify the same and to file a report. The authorities have not given any response. Hence he made representations subsequently on 15.06.2022 and on 11.12.2023. So far no action has been taken by the respondent authorities. Hence the petitioner has filed the present writ petition.



W.P.No.6073 of 2024

WEB COPY

4. Learned Special Government Pleader appearing for the official respondents submitted that grievance of the petitioner has not been redressed so far.

5. 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 issue notice to the petitioner, adjacent land owners of the four boundaries of the subject land/interested parties/rival claimants/aggrieved parties/objectors if any, as the case may be and conduct survey in the manner known to law and pass orders in accordance with law. In case, if the respondents have acquired excess of land than which was mentioned under the Notification, they have to proceed further in accordance with law, in order to enable the petitioner to get a fair compensation. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.



W.P.No.6073 of 2024

6. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

08.03.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

- 1 The District Collector,
Namakkal District,
Thiruchengode Road,
Namakkal.
- 2 The Competent Authority and
District Revenue Officer,
Namakkal, Thiruchengode Road,
Namakkal.
- 3 The Project Director,
National Highways Authority of India,
212- 3/D3, Srinagar Colony,
Narasothipatti, Salem- 636 004.
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W.P.No.6073 of 2024

P.VELMURUGAN, J.

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W.P.No.6073 of 2024

08.03.2024