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W.P.No.6636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6636 of 2024

Palanisamy
S/o.Late Periyathambi

... Petitioner

versus

1. The District Collector and Arbitrator
Dharmapuri District
Dharmapuri.

2. The Special District Revenue Officer (LA)
National Highways No.844
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal/representation dated 08.02.2024 filed by the petitioner under Section 3G(5) of the National Highways Act, 1956 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.A.Selvendran
Special Government Pleader

Pg.Nos.1/5



W.P.No.6636 of 2024

ORDER

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Mr.A.Selvendran, learned Special 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 a writ of mandamus directing the first respondent to dispose of the appeal/representation dated 08.02.2024 filed by the petitioner under Section 3G(5) of the National Highways Act, 1956.

3. The case of the petitioner is that he purchased a land measuring an extent of 439 sq.mts in New S.F.No.535/1B2C1 (Old S.F.No.535/1B2C) in Karagathahalli Village of Palacode Taluk in Dharmapuri District vide a sale deed dated 17.09.2021 and since then, he is in possession and enjoyment of the said land. Now, the said land has been acquired under the National Highways Act, 1956 for the public purpose. In this regard, the second respondent has passed an award dated 24.03.2021 fixing a meagre sum of Rs.75,974/- as compensation to the petitioner. Aggrieved over the

Pg.Nos.2/5



W.P.No.6636 of 2024

said award, the petitioner preferred an appeal before the first respondent on 08.02.2024 seeking for enhancement of compensation. The main grievance of the petitioner is that the first respondent has not considered the appeal so far.

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

5. Since this writ petition is filed for Mandamus simpliciter, to direct the first respondent to consider the appeal of the petitioner, this Court, without expressing any view or opinion with regard to the merits of the case, directs the first respondent to consider the appeal of the petitioner dated 08.02.2024 and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as rival claimants/interested parties if any, as the case may be. Such exercise shall be completed within a period of sixty (60) days from the date of receipt of a copy of this order.



W.P.No.6636 of 2024

6. With the above directions, the writ petition is disposed of.

However, there shall be no order as to costs.

WEB COPY

15.03.2024

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

1. The District Collector and Arbitrator
Dharmapuri District
Dharmapuri.
2. The Special District Revenue Officer (LA)
National Highways No.844
Dharmapuri.

Pg.Nos.4/5



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W.P.No.6636 of 2024

P.VELMURUGAN, J.

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W.P.No.6636 of 2024

15.03.2024

Pg.Nos.5/5