



WEB COPY



WP.No.18481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.18481 of 2024

A.Paulraj

.. Petitioner

Versus

1. The District Collector,
Dharmapuri District, Dharmapuri – 600 005.

2. The Competent Authority & Special District Revenue Officer,
[Land Acquisition] National Highways – 844,
[Hosur – Rayakottai], Dharmapuri.

3. The Special Tahsildar, [Land Acquisition],
NH No.844 Office, Unit – I, Dharmapuri.

4. The Project Director [PIU],
National Highways, Krishnagiri.

5. The Sub-Registrar Join-II,
SV Road, Dharmapuri – 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass Orders on the petitioner's representation dated 28.02.2024 to evaluate and determine the appropriate guideline value in respect of the petitioner's property situated in Survey No.2/1B2. Sellampatti Village, Palacode Taluk, Dharmapuri District for the purpose of enhancing the compensation amount as



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determined by the second respondent herein in his award/order vide Roc. 13/2018/LA, dated 27.08.2020.

For Petitioner : Mr.R.Srinivasalu

For Respondents : Mr.P.Sathish
Additional Government Pleader – R1 to R3

Mrs.S.R.Sumathy – R4

Mr.B.Vijay
Additional Government Pleader – R5

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the respondents to consider and pass Orders on the representation of the petitioner dated 28.02.2024 to evaluate and determine the appropriate guideline value in respect of the petitioner's property situated in Survey No.2/1B2. Sellampatti Village, Palacode Taluk, Dharmapuri District for the purpose of enhancing the compensation amount as determined by the second respondent herein in his award/order vide Roc. 13/2018/LA, dated 27.08.2020.



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3. Heard learned counsel for the petitioner and the learned

Additional Government Pleaders appearing for the respondents 1 to 3 and 5 and the learned counsel appearing for the fourth respondent and perused the materials available on record.

4. It is the case of the petitioner that the land of the petitioner to an extent of 893 sq.mts. has been acquired by the Government and award has also been passed by the second respondent on 27.08.2020. Pursuant to the said award the petitioner filed a petition before the first respondent for enhancement of the compensation. Since no action has been taken by the first respondent, the petitioner has filed a Writ Petition in W.P.No.25909 of 2021 and this Court by an order dated 06.12.2021 directed the first respondent to dispose of the claim petition after giving notice to the parties concerned. The grievance of the petitioner is that the second respondent has wrongly assessed the petitioner's land as Dray Maanavari Land Type-I and fixed the guideline value at a lower rate. Therefore, the petitioner has given an another representation dated 28.02.2024 to the respondents to reassess the nature of his lands and enhance the compensation amount. But the respondents have not taken any action in this regard. Hence, the present Writ Petition.



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5. A perusal of the materials it appears that the award has been passed on 27.08.2020 itself by the District Revenue Officer. The petitioner has already invoked Writ jurisdiction in W.P.No.25909 of 2021 wherein this Court has passed the following Order :

“Considering the above facts and circumstances of this case, the first respondent is directed to consider the claim petition made by the petitioner and his representation dated 22.11.2021, after issuance of notice to the petitioner and counter parties, if any and after giving opportunity of hearing to them, pass Orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this Order.”

6. Though the present Writ Petition has been filed for determination of the guideline value, such prayer is not maintainable for the simple reason that the award has already been passed and if the amount determined by the competent authority is not acceptable the the parties, on an application by the parties, the compensation shall be determined by the arbitrator to be appointed in this regard as per section 3G[5] of the National Highways Act. Therefore, the present Writ Petition is not maintainable. However, considering the fact that the petitioner had already filed an petition for enhancement of



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compensation on 22.11.2021, there shall be a direction to the second respondent to refer the matter for appointment of arbitrator and let the Arbitrator decide the case of the petitioner on merits and in accordance with law. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this Order.

6. With the above direction, this writ petition is disposed of. No costs.

08.07.2024

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Collector,
Dharmapuri District, Dharmapuri – 600 005.
2. The Competent Authority & Special District Revenue Officer,
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N. SATHISH KUMAR, J.

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