



WEB COPY



W.P.No.20150 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20150 of 2024

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... Petitioner

VS.

1.The Arbitrator cum District Collector,
Office of the District Collector,
Dharmapuri District.

2.The Competent Authority cum DRO,
National Highway No.844,
Dharmapuri.

3.The Special Tahsildar,
National Highway No.844,
Dharmapuri.

4.The National Highways Authority of India,
Represented by its Project Director (NH 844),
PIU – Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.06.2024, by revisit and re-survey the overall land acquired in S.No.188/3B situated at Jittandahalli Village, Palacode Taluk, Dharmapuri District, within the time frame to be fixed by this Court.

For Petitioner : Mr.J.Ramesh

For R1 and R3 : Mr.Arasakumar
Government Advocate

For R2 and R4 : Mrs.S.R.Sumathy

ORDER

The petitioner herein seeks a direction to the respondents to consider her representation dated 20.06.2024 seeking resurvey of the land acquired in S.No.188/3B situated at Jittandahalli Village, Palacode Taluk, Dharmapuri District, within a time fixed by this Court.

2. According to the petitioner, she is the owner of 62 cents of land in



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S.No.188/3B situated at Jittandahalli Village, Palacode Taluk, Dharmapuri District and the 2nd respondent issued notification for acquiring 202 sq.meters of land in the said survey number under National Highways Act, 1956. It is the further case of the petitioner that at the time of taking possession, the 2nd respondent had taken more extent than the one notified under the land acquisition notification. It is the specific case of the petitioner that the 2nd respondent had taken 104 sq.meters of her land not covered by the land acquisition notification. Therefore, she submitted a representation to the respondents dated 20.06.2024 seeking resurvey of the land acquired from her and the same has not been considered by the respondents till date. Therefore, the petitioner is before this Court.

3. The 2nd respondent herein filed a counter affidavit stating that only an extent of 202 sq.meters of land in the above mentioned survey number was acquired from the petitioner and there is no proposal to acquire more lands. It is further stated in the counter affidavit that if additional lands are acquired, the 2nd respondent would initiate land acquisition proceedings under the National Highways Act, 1956 by following due process of law.

4. In view of the assertion made by the petitioner in her affidavit filed



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in support of the writ petition, that the 2nd respondent had taken 104 sq.meters of her land without any notification, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the respondents 2 and 4 to survey the above mentioned land with the help of jurisdictional Tahsildar in the presence of petitioner and pass final orders on its own merit, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

02.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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