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W.P.No.22467 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.22467 of 2019

T.Marappan

...Petitioner

-Vs-

1.The Arbitrator/
The District Collector,
Salem.

2.The Competent Authority and
Special District Revenue Officer (L.A)
N.H.7, 46 and 47, Sankari Krishnagiri Districts,
Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to consider and pass orders on the appeal filed by the petitioner against the order of the 2nd respondent bearing SPL DRO Roc.1935/07 dated 19.11.2007 within the time stipulated by this Court and pass such further orders.

For Petitioner : Mr.V.Raghupathi

For Respondents : Mrs.R.L.Karthika
Government Advocate



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ORDER

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This writ petition is filed for issuance of a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the appeal filed by the petitioner against the order of the 2nd respondent bearing SPL DRO Roc.1935/07 dated 19.11.2007.

2. Learned counsel for the petitioner submitted that the petitioner was in possession and enjoyment to an extent of 0.87.5 Hectares and 0.17.5 Hectares in S.Nos.9/3A and 9/4A in Kanagagiri Village, Salem Taluk, which have been acquired by the 2nd respondent for widening the National Highways Road Scheme. After acquisition, the same has been sub-divided into S.Nos.9/3A2 and 9/4A2. The entire acquisition was made in the petitioner's absence and fixed the extent of the acquisition in S.No.9/3A2 as 340 sq.metre and in S.No. 9/4A2 as 620 sq.metre. An extent of 538 sq.metre in S.No.9/3A2 and 848 sq.metre in S.No.9/4A2 has been acquired. Thus totally reduced an extent of 426 sq metre in the measurement for which the petitioner is entitled to equitable reasonable and just compensation as per the prevailing market value.

3. Learned counsel further submitted that the petitioner filed appeal



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before the 1st respondent praying for payment of correct compensation for the entire extent of land acquired. The 2nd respondent awarded only a meagre compensation without considering the nearly developed area and industries situated opposite to the acquired land, Petrol Bunk within 100 meters, Cinema Theatre and Colleges. The acquired land has high potential for development. They have not taken into consideration the relevant sale deeds to fix the correct Market Price. Hence, the petitioner filed the appeal before the 1st respondent for fixing the correct extent of land and fixing the correct compensation at Rs.5184/- per sq.mtr, 12% additional value solatium at 30% on the market value, interest at 15% from the date of taking possession till the entire amount is paid and cost.

4. Learned counsel further submitted that the 1st respondent by its Hearing Notice dated Nil.02.2018 called the petitioner for the enquiry on 23.02.2018 at 2.30 P.M. The petitioner attended the enquiry on that date and made his submission along with relevant documents. Now nearly 12 years have elapsed. Till date, no order has been passed. Aggrieved by the same, the present petition is filed.

5. Learned Government Advocate appearing for the respondents submitted that the enquiry was fixed on 25.02.2023, 03.11.2023, 17.11.2023,



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15.12.2023 and 24.05.2024. The petitioner attended all the enquiries and requested time. Hence, the petitioner may be directed to cooperate with the enquiry.

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

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider and pass orders on the appeal filed by the petitioner against the order of the 2nd respondent bearing SPL DRO Roc.1935/07 dated 19.11.2007 after giving due notice to both parties, opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration the documents filed by the parties and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of eight weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above



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observation and direction. No costs.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

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N.H.7, 46 and 47, Sankari Krishnagiri Districts,
Krishnagiri.

J.SATHYA NARAYANA PRASAD, J.

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