



W.P.No.24067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24067 of 2024

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... Petitioner

vs.

1.The District Collector,
Thiruvallur District.

2.The Special Tahsildar, (Land Acquisition),
Thiruvottiyur,
Ponneri Panchetty Salai Thittam,
Ponneri Taluk,
Thiruvallur District.

3.The Project Director of Highway,
Ennore, Chennai Fort Connectivity,
Guindy, Chennai – 600 032.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider the representation of the petitioner dated 21.03.2024 and to pass appropriate orders and thereby sanction disposed the differential payment to the petitioner within a time frame fixed by this Court.



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For Petitioner : Mr.G.Ilamurugu
For Respondent : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to consider his representation dated 21.03.2024 and pass appropriate orders.

2. According to the petitioner, the land situated in 1307/7A1B, Edayanchavadi Village, Ponneri Taluk, Tiruvallur District was acquired under the provision of 15(1) of Tamil Nadu State Highways Act and the notification was published on 28.06.2006. It is stated by the petitioner that the compensation amount was paid for acquired land in the year 2013. The petitioner has not sought for any reference seeking enhancement of the compensation. However, on request of the other land owners affected by the acquisition proceedings, the case was referred to the Subordinate Court, Ponneri and quantum of compensation appeared to have been enhanced by the land acquisition Tribunal. Therefore, the petitioner submitted his representation to the respondents seeking enhancement of the compensation as awarded by the land acquisition Tribunal and modified by this Court in Appeal.



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3. The learned Additional Government Pleader appearing for the respondents would submit that the enhanced award passed by the Appellate Court was challenged before this Court in an appeal and the said appeal was disposed on 29.11.2016 itself.

4. The petitioner has filed his representation eight years after disposal of the appeal by this Court enhancing the compensation. The petitioner has not filed any application seeking reference within 60 days as per Section 19 of Tamil Nadu Highways Act. The appeal filed by the land owner seeking enhancement of the compensation was disposed by this Court in 2016. After eight years, the petitioner has submitted his representation seeking payment of enhanced compensation by taking into consideration the compensation fixed by the land acquisition Tribunal on the reference sought for by other land owners. Since the petitioner has not approached the competent authority within time frame, the representation filed by the petitioner after six years cannot be ordered to be considered.



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5. Accordingly, this writ petition is dismissed No costs.

30.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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S.SOUNTHAR, J.

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