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WP.No.34474 of 2024

In the High Court of Judicature at Madras

Dated : 25.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34474 of 2024

Mr.G.Prasannakumar

Vs

...Petitioner

1.The District Collector,
Kancheepuram,
Kancheepuram District.

2.The Competent Authority &
Special District Revenue Officer
(LA), NH, Kancheepuram.

3.The Project Director, PIU
Kancheepuram, National
Highways Authority of India,
No.20, I Floor, Pallavan Nagar,
Main Road, Maduravoyal,
Chennai-95.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the second
respondent to grant compensation for trees to the petitioner.

For Petitioner	:	Ms.N.Beulah John Selvaraj
For R1 & R2	:	Mr.A.Selvendran, SGP
For R3	:	Ms.S.R.Sumathy, Standing Counsel



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ORDER

The petitioner, who is aggrieved by the fact that while awarding compensation at the time of acquiring the lands owned by him measuring an extent of 1,000 sq.meters in Plot No.50, S.No. 51/1A1A1A2, Podavur Village, Sriperumbudur Taluk, the respondents had not taken into consideration the standing fruit bearing trees in the said land, is before this Court.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader accepting notice for respondents 1 and 2 and the learned Standing Counsel accepting notice for the third respondent.

3. In this regard, the petitioner had sent the representation dated 02.9.2024 to the respondents and another representation dated 28.10.2024 to the second respondent. However, there has been no action taken either to award enhanced compensation nor the petitioner was called upon to attend an inquiry. Hence the writ petition.

4. On a perusal of the documents enclosed along with affidavit filed in support of the writ petition, it is seen that only a preliminary



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award has been passed. If the petitioner is aggrieved by the compensation awarded by the second respondent for various reasons, the remedy available to him is only before the first respondent, who is the Arbitrator.

5. Under such circumstances, the writ petition is disposed of and the first respondent is directed to treat the representation dated 02.9.2024 sent by the petitioner as a claim petition under Section 3G(5) of the National Highways Act, conduct an inquiry after giving due notice to the petitioner, afford him an opportunity of personal hearing and pass appropriate orders thereon within a period of four months from the date of receipt of a copy of this order. No costs.

25.11.2024

To

- 1.The District Collector, Kancheepuram,
Kancheepuram District.
- 2.The Competent Authority & Special
District Revenue Officer (LA), NH,
Kancheepuram.
- 3.The Project Director, PIU Kancheepuram,
National Highways Authority of India,
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RS



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P.T.ASHA,J

RS

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