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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.1000 of 2023

Kamalathal

.... Petitioner

-Vs-

1.The District Collector
Tiruppur.

2.The Competent Authority/
Special District Revenue Officer (Land Acquisition)
N.H.47 & 67, Door No.3
Savarimuthu Chettiar Street
Red Fields, Coimbatore-45.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of 1st respondent's impugned letter in Na.Ka.14946/2011/U3, dated 16.11.2022 and quash the same, consequently direct the 1st respondent to dispose the petitioner's appeal, dated 07.02.2011 pending on the file of 1st respondent in Na.Ka.No.14946 of 2011/U1-C.Pa.No.51-A/2011 within a stipulated time as fixed by this Court.

For Petitioners : Mr.S.Kousik

For Respondents : Mr.A.Selvendran
Special Government Pleader



ORDER

This writ petition has been filed challenging the impugned letter of the 1st respondent dated 16.11.2022 and for a consequential direction to the 1st respondent to dispose of the appeal filed by the petitioner on 07.02.2011, within the time frame fixed by this Court.

2.Heard Mr.S.Kousik,learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for respondents.

3.The 1st respondent has issued the impugned letter dated 16.11.2022, refusing to hear the case of the petitioner on merits on the ground that no appeal has been filed by the petitioner under Section 3G(5) of National Highways Act, 1956. To substantiate the same, a counter affidavit running to 8 pages has also been filed.

4.On the materials placed before this Court, it is quite obvious that the petitioner has in fact filed an appeal before the 1st respondent and based on the same, the 1st respondent has issued notice to the petitioner to attend for enquiry atleast on two occasions. Therefore, it is quite unfortunate that the 1st respondent has rejected the appeal on a flimsy ground that no appeal was filed by the petitioner. After having taken over the property belonging to the petitioner, the petitioner is being made to run from pillar to post seeking for enhancement of compensation from the year 2011 onwards.



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5. In the light of the above discussion, the impugned letter of the 1st respondent dated 16.11.2022, is hereby quashed. There shall be a direction to the 1st respondent to deal with the appeal filed by the petitioner on 07.02.2011 on merits and pass final orders within a period of three months from the date of receipt of copy of the order.

6. In the result, this writ petition is allowed with the above directions. No costs.

12.03.2025

Index : Yes/No

NCS : Yes/No

KP

To

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N.ANAND VENKATESH, J.



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