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W.P.No.11483 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11483 of 2025

S.Poovavarasu

...Petitioner

versus

- 1.The Arbitrator-cum-Collector,
Dharmapuri Collectorate,
Dharmapuri-636704.
- 2.The Authorised Officer-cum-
Special District Revenue Officer, (Land Acquisition)
National Highway No.844,
(Hosur-Royakottai-Dharmapuri),
Dharmapuri-636705.
- 3.The Project Director,
National Highways Authority of India,
Dharmapuri-636 705.

(R3-Suo motu impleaded as per
order dated 08.04.2025 in
W.P.No.11483 of 2025 by NAVJ)

...Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the first respondent to pass orders on the Appeal dated 18.05.2023 preferred by petitioner against the Award passed by the Second respondent in Na.Ka.No.12/2018/LA dated 25.04.2023 in respect of petitioner's lands in Survey No.498/2F2 (53 square meters) and Survey No.498/2G (37.16 square meters) in Virupatchipuram Village, Dharmapuri Taluk and the Appeal dated 17.09.2024 preferred by petitioner against the Award passed by the second respondent in Na.Ka.No.20/2018/LA dated 3.7.2024 in respect of the structures and trees on the said lands, within the time limit to be fixed by this Court.

For the Petitioner : Mr.P.Mohanraj

For the Respondents : Mr.P.Sathish
Additional Government Pleader
for R1 and R2

Mrs.S.R.Sumathy
Standing Counsel
for R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to pass orders on the appeal filed by the petitioner on 18.05.2023 under Section 3G(5) of the National Highways Act, 1956, within the time frame fixed by this Court.

2. When the writ petition came up for hearing on 08.04.2025, the



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following order was passed by this Court:

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"The Project Director, National Highways Authority of India, Dharmapuri -636 705 is suo motu impleaded as third respondent in this writ petition.

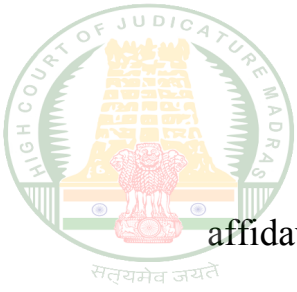
2.Mr.P.Sathish, learned Additional Government Pleader, takes notice for respondents 1 and 2.

3. Mrs.S.R.Sumathy, learned Standing Counsel, takes notice for the impleaded third respondent.

4. Even though learned counsel for the petitioner submitted that an appeal was filed before the first respondent in person, there is no such averment made in the affidavit and absolutely, there is no acknowledgement to prima facie satisfy this Court that such an appeal was in fact filed before the first respondent. In view of the same, there shall be a direction to the petitioner to file a better affidavit in this writ petition by stating all the facts. In the mean time, learned Additional Government Pleader shall take instructions from the first respondent as to whether any appeal has been filed by the petitioner under Section 3G(5) of the National Highways Act, 1956.

Post this writ petition on 22.04.2025 at the end of the motion list."

3. When the matter was taken up for hearing today, the additional



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affidavit of the petitioner was filed and the relevant portion is extracted

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"Since the compensation awarded to me for my lands in Award Na.Ka.No.12/2018/LA dated 25.04.2023 was inadequate, I preferred an appeal to the First Respondent on 18.05.2023 and I preferred another Appeal dated 17.09.2024 against the Award passed in Na.Ka.No.20/2018/LA dated 3.7.2024 in respect of the structures and trees on the said lands, as provided under Section 3G (5) of the National Highways Act 1956. I submitted that Appeal dated 18.05.2023 in person and the Appeal dated 17.09.2024 by Registered Post under Consignment No.RT 525691583IN. The Appeal submitted in person was received in the office of the first respondent and entered in File No.743/2022/U2. No Acknowledgement was issued to me. I submit that it is a fact that I submitted the Appeals to the first respondent in the said manner."

4. The learned Additional Government Pleader appearing on behalf of the first and second respondents has also received written instructions to the effect that the appeal is pending before the first respondent.

5. Taking into consideration the facts and circumstances of the case



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and the materials placed before this Court, there shall be a direction to the first respondent to deal with the appeal filed by the petitioner under Section 3G(5) of the National Highways Act, after affording opportunity to the third respondent and final orders shall be passed, within a period of twelve weeks from the date of receipt of a copy of this order.

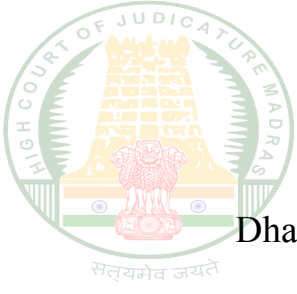
6. This writ petition is disposed of with the above directions. There shall be no order as to costs.

22.04.2025

Index: Yes/no
mrn

To
1.The Arbitrator-cum-Collector,
Dharmapuri Collectorate,

5/7



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N.ANAND VENKATESH, J.

(mrn)

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