

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

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THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.2743 of 2015

Shamshath Begum

.. Petitioner

v.

1. The District Collector cum Arbitrator,
Collectorate, Villupuram District.
 - 2 The Special District
Revenue Officer (L & A),
Competent Authority,
National Highways No.68,
Door No.3B/8, Ram Nagar Road,
Swarnapur (2nd gate),
Salem - 636 004.
 3. The Project Director,
National Highways Authority of India,
No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem - 636 004.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the 1st respondent Collector to consider petitioner's representation dated 06.12.2014 and thereby initiating the proceedings for enhancement of compensation under Section 3-G(5) (6) of the National Highways Act 1956 by providing reasonable opportunities to lead oral and documentary evidences and conclude the same within the prescribed time limit.

For Petitioner : Mr.D.Muthukumar
For Respondents : Mr.R.Vijayakumar, A.G.P.- for R1
Ms.G.Hema
for M/s.P.Wilson Asso. - for R 2 & R3

ORDER

The petitioner has come up with the above writ petition seeking the issue of a Mandamus to direct the first respondent to adjudicate the claim for enhancement of compensation under the National Highway Act.

2. Heard Mr.D.Muthukumar, learned counsel for the petitioner. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent. M/s.P.Wilson Associates takes notice for the respondents 2 and 3.

3. The land belonging to the petitioner was acquired and an award was passed on 31.08.2009. The petitioner made a representation dated 06.12.2012 for enhancement of compensation. Under section 3-G of the Act, the District Collector is obliged to arbitrate. He has not done so. Hence, the writ petition.

4. In view of the above, the writ petition is disposed of, directing the first respondent to initiate arbitration proceedings in accordance with section 3-G of the National Highways Act, 1956, afford an opportunity to the petitioner to lead evidence, both oral and documentary and thereby, pass a reasoned award, within a total period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector cum Arbitrator,
Collectorate, Villupuram District.
- 2 The Special District Revenue Officer (L & A),
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Door No.3B/8, Ram Nagar Road,
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3. The Project Director,
National Highways Authority of India,
No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem - 636 004.

+ 1 cc to M/s. D. Muthukumar, Advocate Sr.5952
+ 1 cc to M/s. P.Wilsan, Advocate Sr.6167
+ 1 cc to Government Pleader Sr.6355

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RSK(CO)
Eu 17.02.15