

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

Writ Petition No.33436 of 2015

P.Theertharaman

... Petitioner

Vs.

1.The Arbitrator & District Collector,
Krishnagiri,
Krishnagiri District.

2. The Competent Authority
& Special District
Revenue Officer (LA)
NH 7 -46 & 66 Salem -
Krishnagiri District,
Krishnagiri.

... Respondents

Prayer:-

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to decide the arbitration proceedings for acquisition of land in comprised in S.No.113/2, measuring an extent of 590 sq.mts, situate at Zuzvadi Village, Hosur Taluk, Krishnagiri District, with reference to enhance of compensation, within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.Rani Selvam

Additional Government Pleader

O R D E R

The petitioner has come up with the present Writ Petition for issuance of a Writ, in the nature of Mandamus, directing the first respondent to decide the arbitration proceedings filed for enhancement of the award, in respect of his land, comprised in S.No.113/2, measuring an extent of 590 sq.mts, situate at Zuzvadi Village, Hosur Taluk, Krishnagiri District, and complete the same within the time that may be stipulated by this Court.

2. Mrs.Rani Selvam, learned Additional Government Pleader, takes notice on behalf of respondents.

3. The case of the petitioner, as given in the affidavit, filed in support of the Writ Petition in short is that, the petitioner is the absolute owner of the land, morefully described in preamble portion of this order. His land has been acquired for the purpose of construction of 6 way National Highways Road NH-7. Pursuant to the said acquisition, an award was passed by the Land Acquisition Officer, as per the provisions contemplated under the Land Acquisition Act, fixing the value of the land at Rs.3765.76 per sq.mt, and worked out the compensation along with other statutory dues payable under the Act, and passed an award on 03.03.2014. According to the petitioner, the guideline value fixed by the State Government in respect of the acquired land is Rs.18,840/- per sq.mt. Since the value fixed by the Land Acquisition Officer is meager, the petitioner made an application, dated 06.05.2014, to the first respondent/Arbitrator & District Collector, Krishnagiri, for enhancement. Based on the same, the first respondent/District Collector/Arbitrator issued a notice, dated 23.10.2014, to the second respondent/Land Acquisition Officer, calling for report from him regarding the petitioner's application for enhancement.

4. Now, the grievance of the petitioner is that, eventhough arbitration proceedings have commenced as early as on 23.10.2014, so far, no progress has been made. Hence, the petitioner is before this Court, seeking for the aforesaid relief.

5. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mrs.Rani Selvam, learned Additional Government Pleader for respondents.

6. It is an admitted fact that the petitioner's land was acquired for construction of 6 way National Highways Road NH-7, and an award was passed by the Land Acquisition Officer. Not being satisfied with the said award, the petitioner filed an application before the first respondent/District Collector, seeking enhancement of compensation, pursuant to which, an arbitration proceedings have been initiated.

7. Taking into consideration of the fact that the passing of the award was in the year, 2014, and pendency of the matter from 2014 onwards before the first respondent/District Collector, this Court is of the view that it would be suffice to direct the first respondent/District Collector to decide and complete the arbitration proceedings in a time bound manner. Accordingly, this Writ Petition is disposed of, by directing the first respondent/District Collector to adjudicate the

arbitration proceedings and pass appropriate orders within a 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 Arbitrator & District Collector,
Krishnagiri, Krishnagiri District.
2. The Competent Authority & Special District
Revenue Officer (LA)
NH 7 -46 & 66 Salem - Krishnagiri District,
Krishnagiri.

+ 1 cc to Mr.G. Sankaran, Advocate Sr. 57640

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