

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.Nos.36927 to 36938 of 2015

P. Chandra ...Petitioner in W.P.No.36927/2015
C. Venkatesan ...Petitioner in W.P.No.36928/2015
N. Sivakumar ...Petitioner in W.P.No.36929/2015
T. Murugesan ...Petitioner in W.P.No.36930/2015
V. Prabakaran ...Petitioner in W.P.No.36931/2015
Mookaye ...Petitioner in W.P.No.36932/2015
Poomalai ...Petitioner in W.P.No.36933/2015
A. Paramasivam ...Petitioner in W.P.No.36934/2015
Pappayee ...Petitioner in W.P.No.36935/2015
K.Ganesan ...Petitioner in W.P.No.36936/2015
Saravanan ...Petitioner in W.P.No.36937/2015
J. Charless Soundarraaj ...Petitioner in W.P.No.36938/2015

Vs

1. The District Collector-cum-Arbitrator
Villupuram.
 2. The Competent Authority and
Special District Revenue Officer (LA)
NH 68 Salem Ulundurpet
Four Lane Road Project
Salem.
- ...Respondents in All WPS

Prayer in WP.No.36927/15:-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus to direct the first respondent to dispose the application of the petitioner for Arbitration dated 15/4/2010 and 5/4/2013 to enhance the compensation awarded to the petitioner herein vide the proceedings of the second respondent herein dated 7/9/2009 and 17/8/2010 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No.285/3A, 3A1, 285/3b1 and 285/3B2 at Chinna Salem Village, Villupuram District within an appropriate time.

Prayer in WP.No.36928/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 04.04.2013 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 31.08.2009 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No. 216/3B at Chinna Salem Village Villupuram District within an appropriate time or other orders.

Prayer in WP.No.36929/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 30.01.2014 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 30.11.2009 in his proceedings Spl.DRO.284/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No. 8/1B3B and 9/2B existing at Ammaiagaram Village - Chinna Salem Taluk Villupuram District within an appropriate time or other orders.

Prayer in WP.No.36930/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 20.12.2009 and 25.02.2013 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 07.09.2009 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No. 282/1A2 at Chinna Salem Taluk Villupuram District within an appropriate time or other orders.

Prayer in WP.No.36931/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 06.01.2015 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 27.10.2009 in his proceedings Spl.DRO.283/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No. 24/1 and 24/2A at Chinna Salem Taluk Villupuram District within an appropriate time or other orders.

Prayer in WP.No.36932/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 05.11.2009 and 15.01.2015 to enhance the compensation awarded to the petitioner herein vide

the proceedings of the 2nd respondent herein dated 07.09.2009 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner situate in Survey Nos.S.F.No. 216/3B at Chinna Salem Village Villupuram District within an appropriate time.

Prayer in WP.No.36933/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 05.11.2009 and 01.12.2014 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 07.09.2009 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No. 215/3B 216/1B 216/2B S.F.No. 215/3B 216/1B at Chinna Salem Village Villupuram District within an appropriate time.

Prayer in WP.No.36934/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 13.05.2013 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 07.09.2009 in Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.293/1B2 and 294/4B at Chinna Salem Taluk Villupuram District within an appropriate time.

Prayer in WP.No.36935/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 24.09.2014 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 07.09.2009 and 17.08.2010 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos. S.F.NO.283/7B2 284/8B 285/1A 285/3A1 and 284/8B at Chinna Salem Village Villupuram District within an appropriate time.

Prayer in WP.No.36936/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 13.03.2013 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 21.11.2009 and ..02.2011 in his proceedings Spl.DRO.282/2009 (NH-68) for acquisition of land of the petitioner herein situate in S.F.NO.304/2B 2.SF.NO.371/1A1 3.S.F.NO.371/1B1 4. S.F.NO.

372/1A1 5.S.F.NO. 301/4B 6.S.F.NO. 301/2B2 and 7.S.F.NO. 304/2A2 at Rayapanoor Village Chinna Salem Taluk Villupuram District within an appropriate time.

Prayer in WP.No.36937/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.10.2010 and 13.05.2013 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 17.08.2010 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No. 330/2A2A at Chinna Salem Village Villupuram District within an appropriate time.

Prayer in WP.No.36938/15:- Writ of Mandamus or pass any other order or direction in the nature of writ, for a direction directing the 1st respondent to dispose the Application of the Petitioner for Arbitration dated 30.12.2009 and 08.12.2014 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2nd respondent herein dated 31.08.2009 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey No.332/11 of Chinna Salem within an appropriate time.

For petitioners Mr.R.Nalliyappan
For respondents Mr.R.Vijayakumar
Additional Government Pleader
in all WPs.

C O M M O N O R D E R

With the consent of the learned counsel appearing for the parties, the main writ petitions are taken up for final disposal.

2. Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader for the respondents.

3. The petitioners in all these writ petitions, seek for a direction upon the first respondent/District Collector-cum-Arbitrator, Villupuram, under the provisions of the National Highways Act, 1956 (hereinafter referred to as "the Act"), to consider and dispose of their applications dated 15/4/2010 and 5/4/2013, wherein the petitioners have claimed enhanced compensation.

4. The lands owned by the petitioners were acquired by the second respondent for widening National Highways - 68, under the provisions of the said Act. The land Acquisition Officer has passed Awards on different dates, fixing the compensation and the petitioners, being dissatisfied with the amount of compensation, have filed applications before the first respondent/Arbitrator, who has to consider such applications for grant of enhanced compensation.

5. The first of such application was given on 15/4/2010 for which the petitioners have produced the postal acknowledgement card which shows that the representations have been received by the office of the first respondent on 17/4/2010. Since there was no action taken on the said representations, once again, the petitioners have sent reminders on 5/4/2013. Since the first respondent has not taken up the applications/representations for consideration, the petitioners are before this Court.

6. Mr.R.Vijayakumar, learned Additional Government Pleader, accepting notice on behalf of the respondents submitted that it may be true that the petitioners are entitled to seek for enhanced compensation. However, the first respondent could be granted a reasonable time, to consider the matters, since all the documents have to be considered and thereafter, awards have to be passed.

7. Taking into consideration all the submissions, the writ petitions are disposed of by directing the first respondent to consider the respective applications of the petitioners, claiming enhanced compensation and decide the same on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. The petitioners shall be afforded an opportunity of personal hearing to represent their cases, either by themselves or through their authorised representative. No costs.

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Sd/
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

mvs.

To

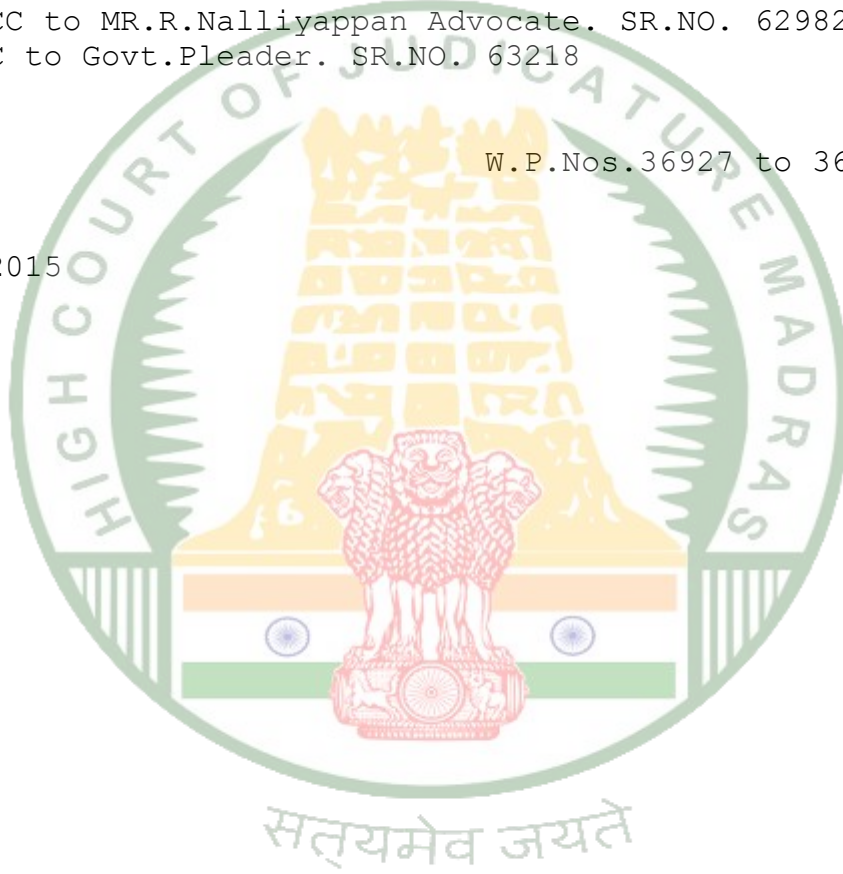
1. The District Collector-cum-Arbitrator,
Villupuram.
2. The Competent Authority and
Special District Revenue Officer (LA)
NH 68 Salem Ulundurpet
Four Lane Road Project
Salem.

+12 CC to MR.R.Nalliyappan Advocate. SR.NO. 62982

+1 CC to Govt.Pleader. SR.NO. 63218

W.P.Nos.36927 to 36938 of 2015

CO-ALA
JD 07/12/2015



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