

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5499 of 2015

S.Rajaram

... Petitioner

vs.

1. The District Collector cum Arbitrator, Collectorate Villupuram, Villupuram District.
2. The Competent Authority (L.A.) National Highway No.66 Special District Revenue Officer Collectorate, Villupuram.
3. The Project Director National Highways Authority of India No.10, Govindasamy Nagar Villupuram.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the first respondent Arbitrator cum District Collector to proceed with the arbitration O.P.No.12 of 2013 by following Section 3(G), 6 and 7 of the National Highways Act, 1956 and conclude the same within the prescribed time limit and to consequently direct the third respondent not to demolish the petitioner house till the disposal of his enhancement proceedings, as the same is needed to be re-assessed.

For Petitioner

: Mr.D.Muthukumar

For Respondents

: Mr.R.Vijayakumar

Additional Government Pleader
for R1

Mr.Richardson Wilson for

M/s.P.Wilson Associates for RR2 and 3

ORDER

Heard Mr.D.Muthukumar, learned counsel for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing on behalf of first respondent and Mr.Richardson Wilson appearing on behalf of respondents 2 and 3.

2. The petitioner has filed this writ petition praying for a direction to the first respondent, who is the Arbitrator as well as the District Collector of Villupuram District to proceed with the Arbitration Proceedings in O.P.No.12 of 2013 by following the procedures contemplated under Section 3(G), 6 and 7 of the National Highways Act, 1956 and conclude the same within the prescribed time and further to direct the respondent not to demolish the petitioner's house till the disposal of his enhancement proceedings, as the same has to be re-assessed.

3. The short facts, which are necessary for the disposal of this writ petition, is as follows:

The lands owned by the petitioner was subject matter of acquisition under the provisions of the National Highways Act. The second respondent, who is the competent authority under the National Highways Act for fixing the quantum of compensation passed an order on 12.06.2013 quantifying the compensation at Rs.430/- per sq.mt. The petitioner would state that the amount fixed by the second respondent was grossly inadequate and it did not match with the prevailing market value in the village. Further the petitioner would state that the value of the building constructed by the petitioner has not been properly valued and the quantum awarded towards the building was ridiculously low and has been fixed only in a sum of Rs.3,52,219/-. The petitioner would state that the second respondent did not properly value the building and adopted an ad hoc value and therefore, filed a petition before the first respondent for enhancement of compensation both in respect of the land as well as the building. Now the petition filed by the petitioner has been entertained as petition No.12 of 2013, which information was furnished to the petitioner under the Right to Information Act vide its reply dated 22.11.2013. The petitioner seeks for expeditious disposal of the said petition pending before the first respondent. The petitioner would further state that for the purpose of re-assessment of the compensation by the first respondent, it is essential that the building should be kept in tact without demolishing the same, so that the first respondent can re-assess the building and thereafter, consider the petitioner's application for enhancement of compensation in respect of the building as well as the

land. The petitioner would further state that an approved Engineer has valued his building at Rs.8,73,600/-whereas the second respondent has fixed the value only at Rs.3,52,219/-.

4. Taking into consideration the above said facts, that the appeal filed by the petitioner before the first respondent is pending since 2013, this Court is of the view that the first respondent should expedite the disposal of the matter. However, in the meantime, the land in question is sought to be urgently required for the purpose of implementation of the National Highways Project. Thus, by balancing the interest of the land owner as well as bearing in mind the public interest involved in forming the National Highway, there will be a direction to the first respondent at the first instance to re-assess the building of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Before such re-assessment is being done, the petitioner should be put on notice and such re-assessment should be made only in the presence of the petitioner. On obtaining the report from the competent authority, on re-assessment of the building, the first respondent shall consider the petitioner's claim for enhancement of compensation after affording an opportunity of personal hearing to the petitioner to enable him to produce oral and documentary evidence and thereafter, pass final orders within a period of eight weeks, after the property is re-assessed. It is further made clear that till the District Collector completes the re-assessment process of the building, which has been directed to be done within a period of two weeks from the date of receipt of a copy of this order, the respondents 2 and 3 shall not demolish the building of the petitioner.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Asst. Registrar

/true copy/ सत्यमेव जयते

Sub Asst. Registrar.

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To

1. The District Collector cum
Arbitrator, Collectorate
Villupuram, Villupuram District.
2. The Competent Authority (L.A.)
National Highway No.66
Special District Revenue Officer
Collectorate, Villupuram.
3. The Project Director
National Highways Authority of India
No.10, Govindasamy Nagar
Villupuram.

+1cc to Mr.R.Muthu Kumar, Advocate, S.R.No.11889
+1cc to M/s.P.Wilsan Associates, Advocate, S.R.No.12373

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KGK (CO)
CA(10/03/2015)



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