

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7317 of 2015

Mr.Krishnan

... Petitioner

Versus

1. The District Collector-cum-Arbitrator,
Collectorate, Villupuram,
Villupuram District.
2. The Special District Revenue Officer (L.A)
Competent Authority,
National High Ways No.68,
Door No.3B/8, Ram Nagar Road,
Swarnapuri [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 praying for a writ of MANDAMUS directing the 1st respondent Arbitrator-cum-District Collector to proceed with the arbitration for enhancement of compensation with regard to petitioner land as per the provisions of the National Highways Act, 1956 and providing a reasonable opportunity to the petitioner to lead evidences by marking of documents and examination of witnesses and thereby allow the petitioner to advance the oral submission and thereafter conclude the proceedings within the time frame.

For Petitioner : Mr.D.Muthukumar
For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate for R1 and R2
M/s.P.Wilson Associates for R3

ORDER

Heard Mr.D.Muthukumar, learned counsel for the petitioner; Mrs.P.Rajalakshmi, learned Government Advocate who took notice for the 1st and 2nd respondents and M/s.P.Wilson Associates, learned counsel who took notice for the 3rd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2. The petitioner has prayed for a direction to the 1st respondent to proceed with the arbitration proceedings for enhancement of compensation for the acquisition of petitioner's lands which were acquired under the National Highways Act, 1956.

3. It is seen that the petitioner's representation for enhancement of compensation was considered and the 1st respondent fixed the date of arbitration on 31.01.2013 at 4.30. p.m. The petitioner is said to have appeared before the Collector and produced all the documents. However, no fresh date of hearing was given. Therefore, the petitioner along with four others submitted a representation on 12.08.2013 and since no action has been taken, the petitioner is before this court.

4. In the light of the above, there will be a direction to the 1st respondent to consider the petitioner's representation dated 12.08.2013 on merits and in accordance with law, after hearing the petitioner, after issuing notice to the respondents 2 and 3 and appropriate orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rg/gya

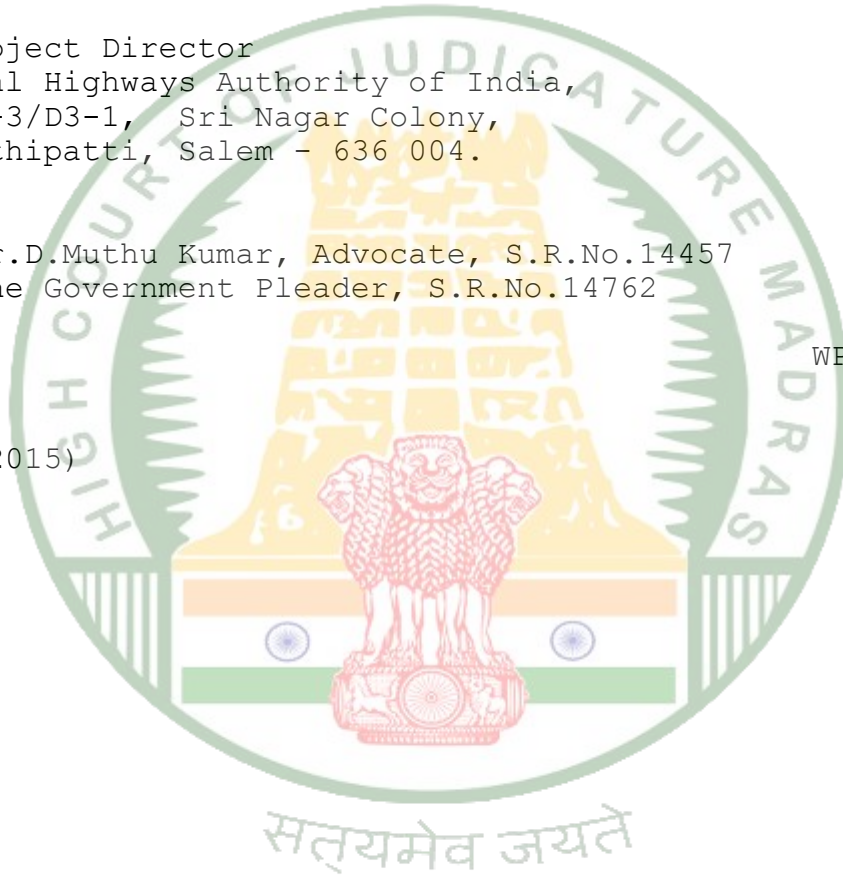
To

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+1cc to Mr.D.Muthu Kumar, Advocate, S.R.No.14457
+1cc to the Government Pleader, S.R.No.14762

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LRS (CO)
CA(23/03/2015)



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