

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.30126 of 2016

M.Poomalai

...

Petitioner

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

Prayer : Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus, directing the 1st respondent to dispose the Application of the petitioner dated 05.11.2009 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.Roc.286/2009(NH68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No.215/3B and S.F.No.216/1B at Chinna Salem Village, Villupuram District.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The land comprised in S.F.No.215/3B and 216/1B at Chinna Salem Village, to an extent of 9651 and 70 sq.mtrs. , respectively belonging to the petitioner's father namely Muthusamy, was acquired by the second respondent for widening the National Highway 68 under the National Highways Act 1956 by a proceeding dated 07.09.2009 and 17.08.2010.

2. The second respondent determined the value of the acquired property at Rs.37/- per sq.m. Therefore, the petitioner's father sought reference for arbitration before the first respondent under 3 G(5) of the National Highways Act on 05.11.2009 against the order of fixing value by the second respondent dated 07.09.2009 and 17.08.2010. Since the said application of the petitioner dated

05.11.2009 has not been disposed of, the petitioner has come before this court.

3. Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader who takes notice on behalf of respondents 1 and 2.

4. The land was acquired as early as on 2009 and the value was also fixed by the second respondent in the year 2009. It is evident from the acknowledgement given by the first respondent office that the application for enhancement under Section 3G(5) of the National Highways Act was filed on 05.11.2009. Even after a passage of six years, so far the application has not been disposed.

5. Though the petitioner's property was already taken, so far the petitioner is unable to have the application for enhancement disposed of even after a period of six years. Therefore, interest of justice requires to direct the second respondent to dispose of the petitioner's application of enhancement of compensation.

6. Accordingly, the second respondent is directed to consider the petitioner's application dated 05.11.2009 for enhancement of compensation and pass order on merits and in accordance with law, within a period of sixteen (16) weeks from the date of receipt of copy of this order, after giving opportunity to the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rgr

To

1.The District Collector cum Arbitrator
Salem.

WEB COPY

2.The Competent Authority and
Special District Revenue Officer (LA)
NH 68, Salem Ulundurpet,
Four Lane Road Project, Salem.

+1cc to Government Pleader, Sr.52057
+1cc to Mr.R.Nalliyappan, Advocate Sr.51715

W.P.No.30126 of 2016

CA(CO)
RVR 22/10/2016



WEB COPY