

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.31402 of 2016

Sambath

... Petitioner

Vs.

1.The District Collector cum Arbitrator  
Salem.

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 1<sup>st</sup> respondent to dispose the Application of the petitioner for Arbitration dated 19.07.2010 to enhance the compensation awarded to the petitioner herein vide the proceedings of the 2<sup>nd</sup> respondent herein dated 05.11.2009 in Spl.DRO.Roc.258/2009(NH68) for acquisition of land of the petitioner herein situate in S.F.No.30/5B, 30/8B, 30/9A and 31/5B2 comprised in Thulukanur Village, Attur Taluk, Salem District.

For Petitioner : Mr.R.Nalliyappan

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

सतयमेव जयते  
O R D E R

The petitioner's land comprised in S.F.No.30/5B, 30/8B, 30/9A and 31/5B2 in Thulukanur Village, Attur Taluk, Salem District to an extent of 5011 sq.mtrs. was acquired by the second respondent for widening the National Highway 68 under the National Highways Act 1956 by a proceeding dated 05.11.2009.

2. The second respondent determined the value of the acquired property at Rs.710/- per sq.m. Therefore, the petitioner sought reference for arbitration before the first respondent under 3 G(5) of the National Highways Act on 19.07.2010 against the order of fixing value by the second respondent dated 05.11.2009. Since the said application of the

petitioner dated 19.07.2010 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 19.07.2010. 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 19.07.2010 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 (CS IV )

/true copy/

Sub Asst. Registrar

To

1.The District Collector cum Arbitrator  
Salem.

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

+1 cc to Govt.Pleader,sr.52058

+1 cc to M/s.R.Nalliyappan,advocate,sr.51717.

Ppa(co0  
krd 24/10

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