

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 41603 of 2016

Sakkarai

..Petitioner

Vs.

1. The District Collector cum Arbitrator,
Dharmapuri District.
 2. The District Revenue Officer,
Competent Authority NH-7 (L.A.),
Collectorate, Dharmapuri District.
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent herein to consider the petitioner's representation dated 26.12.2016 for compensation at market rate.

For Petitioner :: Mr.M. Ravi

For Respondents :: Mr.P.V. Selvakumar
Addl. Govt. Pleader

ORDER

The petitioner's property comprised in S.No. 574/1A2 was acquired along with other properties and an award was passed by the 2nd respondent on 10.07.2007. Aggrieved over the compensation awarded, the petitioner made a representation seeking enhancement to the 1st respondent, who is the named Arbitrator under the National Highways Act. The said representation was made as early as on 17.12.2007. Till date, the said representation has not been disposed of. Therefore, the petitioner has come before this Court after giving a representation subsequently on 26.12.2015.

2. Heard Mr.M. Ravi, learned counsel for the petitioner and Mr.P.V. Selvakumar, learned Additional Government Pleader, who takes notice on behalf of the respondents.

3. It is evident from the records that the petitioner's property comprised in S.No. 574/1A2 was acquired along with other properties and an award was passed by the 2nd respondent on 10.07.2007. Aggrieved over the quantum of compensation fixed, the petitioner preferred a representation seeking enhancement to the District Collector/Arbitrator on 17.12.2007. It is also evident, as per the communication of the 1st respondent issued to the petitioner on 24.11.2007, even though the representation was made as early as on 17.12.2007, and subsequently, a communication for enquiry was issued to the petitioner on 28.03.2012, so far, no award has been passed. Therefore, the petitioner gave a representation on 26.12.2015 and orders are yet to be passed on the said representation.

4. Since it is the duty of the 1st respondent to pass appropriate orders in the arbitration proceedings initiated by the petitioner, the 1st respondent is directed to pass appropriate orders, on the petitioner's request for additional compensation, on merits and as per law, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector cum Arbitrator,
Dharmapuri District.
2. The District Revenue Officer,
Competent Authority NH-7 (L.A.),
Collectorate, Dharmapuri District.

+1cc to the Government Pleader, S.R.No.71050

ks(CO)
BB(28/12/2016)

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