



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) Nos.6597, 6598 and 6599 of 2014

WEB COPY

W.P. (MD) No.6597 of 2014

R.R.Shyam Sai Sundar

.. Petitioner

Vs.

The District Collector,
O/o. The District Collector,
Madurai Road,
Theni District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to complete the Arbitration Proceedings initiated subsequent to the application made by the petitioner on 04.02.2013 as per Section 3G(5) of the The National Highways Act, 1956, within the time frame as stipulated by this Hon'ble Court.

For Petitioner : No appearance

For Respondents : Mr.S.Kumar
Additional Government Pleader

W.P. (MD) No.6598 of 2014

R.R.Ganesh Raj Kumar

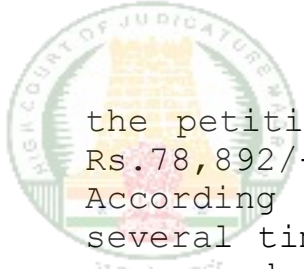
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the petitioners that they received only a sum of Rs.18,46,074/-, Rs.78,892/- and Rs.15,94,238/- respectively towards compensation. According to the petitioners, the market value of the land is several times higher than the amount determined by the authorities empowered to determine the compensation under the National Highways Act. The petitioners submit that as per Section 3(G) (5) of the National Highways Act, to consider the claim of the aggrieved, the competent authority is the arbitrator. It is also admitted that the District Collector, the respondent herein is appointed as the arbitrator under the Act. It is also stated that the petitioners have submitted a petition, seeking reference.

4. Heard the learned Additional Government Pleader appearing for the respondents. The learned Additional Government Pleader has no objection for treating the representation of the petitioners as application filed by the land owners in terms of Section 3G(5) of National Highways Act, 1956.

5. Having regard to the facts narrated above, this Court is of the view that the respondent has to expedite the proceedings to determine the just compensation in terms of the provisions of the National Highways Act. The Writ Petitions are therefore allowed and the respondent is directed to complete the arbitration proceedings based on the representation of the petitioners dated 04.02.2013 and pass an award after holding enquiry and giving opportunity to the petitioners and the authorities of National Highways, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS)

To
The District Collector,
O/o. The District Collector,
Madurai Road, Theni District.

+1cc to the Special Government Pleader, Sr.No.35634
+1cc to Mr.T.Lajapathi Roy, Advocate, Sr.No.36302
SRM

JM/NGM-MP/SAR-III/18.07.2016/3P-4C