



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12565 of 2016

Shantha Solarajan

.. Petitioner

Vs.

1.The District Collector
cum Arbitrator under National Highways Act,
Sivagangai.

2.Special Revenue Divisional
Officer(Land Acquisition) cum Competent Authority
under National Highways Act,
Ramanathapuram.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the first respondent to commence arbitration proceedings under Section 3-G (5) of the National Highways Act, 1956 for determination of the amount payable to the petitioner for acquisition of her land measuring 2,850 square meters in Survey No.7/1B2 in Thiruppuvanam Nelmudikarai Village on the representation of the petitioner dated 01.03.2016 and complete the same within a time frame that may be stipulated by this Court.

For Petitioner :Mr.T.R.Jeyapalam

For Respondents :Mr.T.R.Janarthanam
Additional Government Pleader

O R D E R

Mrs.Shantha Solarajan has come to this court seeking a writ of mandamus, to direct the District Collector-cum-Arbitrator under the National Highways Act, 1956, Sivagangai, to commence Arbitration Proceedings under Section 3-G(5) of the National Highways Act, 1956, for early determination of the amount payable to her for acquisition of her land measuring 2,850 square metres in survey No.7/1B2 in Thiruppuvanam, Nelmudikarai village, by considering her representation, dated 01.03.2016.



2.Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents.

3.Heard both sides.

4.Learned counsel for the petitioner would submit that the petitioner is the owner of the land covered in survey No.7/1B2 in Thirupuvanam, Nelmudikarai village, however, the Government acquired her lands for the purpose of widening National Highway No.49, by issuing a Notification under Section 3A(1) of the National Highways Act, 1956, published in the Official Gazette of India on 29.03.2012 and the same was also published in Madurai Edition of Daily Thanthi and The New Indian Express on 01.06.2012, as per Section 3A(3). Thereafter, the Government also issued a Notification of declaration of acquisition under Section 3D(1) in the Official Gazette, dated on 02.01.2013. The same was also published in Daily Thanthi on 23.02.2013. Pursuant thereto, the Special Revenue Divisional Officer(Land Acquisition) cum Competent Authority under the National Highways Act, Ramanathapuram, passed an award under Section 3(a) of the National Highways Act, fixing compensation at Rs.1,292/- per square meter in respect of the petitioner's lands acquired under the Act. Since the amount of compensation is on the lower side, the petitioner did not accept the Award, therefore, she has come to this Court, for the above said relief.

5. Adding further, he would submit that the petitioner has filed an Arbitration Petition on 01.03.2016, before the District Collector-cum-Arbitrator under the National Highways Act, Sivagangai, for proper determination of the compensation amount, solatium and interest, but till date, the said petition has not been taken up for disposal, hence, the petitioner is before this Court.

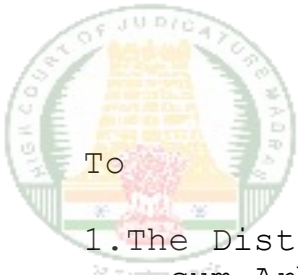
6. Considering the limited relief sought for, this Court directs the first respondent to consider the petitioner's Arbitration Petition, dated 01.03.2016 and pass suitable orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS-II)

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To

1.The District Collector
cum Arbitrator under National Highways Act,
Sivagangai.

2.Special Revenue Divisional Officer(Land Acquisition) cum
Competent Authority under National Highways Act,
Ramanathapuram.

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 12565

+1cc to M/S.T.R.JEYAPALAM, ADVOCATE SR NO: 37436

PJL

JA-KBM-23.08.2016/2P:5C

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