

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.41284 of 2016

K.Rayathurai ... Petitioner

-Vs-

- 1.The District Collector cum Arbitrator
Villupuram.
- 2.The Competent Authority and
Special District Revenue Officer (L.A)
NH.68, Salem Ulundurpet,
Four Lane Road Project
Salem. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to dispose the application of the petitioner for arbitration dated 25.11.2009 to enhance the compensation awarded to the petitioner herein Vide the proceedings of the second respondent herein dated 31.08.2009 in his proceedings Spl.DRO.286/2009 (NH-68) for acquisition of land of the petitioner herein situate in Survey Nos.S.F.No.263/9B, 263/9C, 263/10A2, 263/10B, 263/11A2, 263/12B, 263/13A, 263/14A1 and 263/15A1 at Chinna Salem Village, Villupuram District within appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Zakir Hussain [for R1]
Government Advocate
Mrs.S.R.Sumathy [for R2]

ORDER

This petition has been filed to direct the first respondent to consider the representation of the petitioner dated 25.11.2009 and to dispose of the arbitration matter pending before the first respondent filed under Section 3G(3) of the National Highways Act.

2. The learned counsel for the petitioner submitted that an extent of 8188 sq.mtrs of land comprised in S.F.No. 263/9B, 263/9C, 263/10A2, 263/10B, 263/11A2, 263/12B, 263/13A, 263/14A1 and 263/15A1 of Chinna Salem Village, belonging to the petitioner, was acquired by the National Highways Authority Vide its proceedings dated 31.08.2009, and an award

has been passed in this matter and having felt aggrieved by the inadequacy of the compensation awarded, the petitioner has moved the statutory arbitration seeking enhancement of compensation. The learned counsel for the petitioner submitted that the said arbitration proceedings has not yet been disposed of and therefore, the petitioner seeks a direction to the first respondent to dispose of the same.

3. Heard Mr.A.Zakir Hussain, learned Government Advocate appearing on behalf of the first respondent and Mrs.S.R.Sumathy, learned counsel for the second respondent, even though no counter has been filed.

4. The facts as submitted by the petitioner prima facie would indicate that this petition was filed only to activate the statutory authority to perform a statutory function, which this Court considers should have been done in normal circumstances without Court's intervention. However, it appears that the same has not been done in the last seven years. The first respondent is directed to consider the representation of the petitioner dated 25.11.2009 and dispose of the arbitration proceedings pending before it, challenging the award of the acquiring authority, within twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1.The District Collector cum Arbitrator
Villupuram.
- 2.The Competent Authority and
Special District Revenue Officer (L.A)
NH.68, Salem Ulundurpet,
Four Lane Road Project,Salem.

+1 cc to Mr.R.Nalliyappan,advocate,sr.88226
+1 cc to Govt.Pleader,sr.89046.

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