



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P (MD) No.20165 of 2015

WEB COPY

T.Saraswathy

... Petitioner

Vs.

1.The District Collector
Tiruchirapalli district,
Tiruchirapalli.

2.The Special District Revenue Officer,
(Land Acquisition under 'C' Section),
National Highways Four Way Extension Scheme,
Collector's Office, Tiruchirapalli - 620 001. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to pass suitable orders in the petitioner's appeal in Na.Ka.C.4 Appeal Petition No. Ma.Thi.5 of 2007 pending before the first respondent for enhanced compensation for the lands acquired in Iyan Nanja S.F.Nos.128/1B and 129/2B Varaghaneri Village, Tiruchirappalli pursuant to the order dated 24.09.2014 made in Arbitration O.P.No.3 of 2013 on the file of Principal District Judge, Tiruchirappalli.

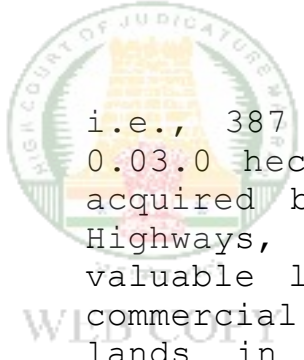
For Petitioner	: Mr.P.Thiagarajan
For Respondents	: Mr.S.Kumar, Additional Government Pleader

O R D E R

This writ petition has been filed, seeking to direct the first respondent to pass suitable orders in the petitioner's appeal in Na.Ka.C.4 Appeal Petition No.Ma.Thi.5 of 2007 pending before the first respondent for enhanced compensation for the lands acquired in Iyan Nanja S.F.Nos.128/1B and 129/2B Varaghaneri Village, Tiruchirappalli pursuant to the order dated 24.09.2014 made in Arbitration O.P.No. 3 of 2013 on the file of the Principal District Judge, Tiruchirappalli.

2.Heard the learned Counsel appearing on either side.

3. It is the case of the petitioner that she is the owner of the land in Iyan Nanja land in S.F.Nos.128/1B and 129/2B Varaghaneri Village, Tiruchirappalli. The Petitioner's land in S.F.No.128/1B, measuring to an extent of 0.04.5 hectares



i.e., 387 sq.mtrs and S.F.No.129/2B, measuring to an extent of 0.03.0 hectares i.e., 280 sq.mtrs under Patta No.155, have been acquired by the second respondent for the purpose of National Highways, Four Way Extension Scheme. The Petitioner's land is a valuable land suitable for construction of house and nearer to commercial area of Tiruchirappalli Town. The market value of the lands in the locality is Rs.400/- per sq.ft. The second respondent has also acquired the land in T.S.No.46/8F, measuring to an extent of 6,027 sq.ft and paid a sum of Rs.12,05,400/- that is Rs.200/- per sq.ft has been fixed as compensation for the land acquired and hence the petitioner claimed for enhancement of compensation. The Special District Revenue Officer(Land Acquisition) for National Highways No.45 by his proceedings, dated 5.1.2007 rejected the entire claim for enhancement of compensation. Being aggrieved by the same, the petitioner had preferred an appeal in Na.Ka.C.4, Appeal Petition No.Ma.Thi/5 of 2007 before the first respondent and the first respondent passed an order dated 13.04.2014, dismissing the appeal without considering his claim for enhancement of compensation. Aggrieved over the same, the petitioner preferred an Arbitration O.P.No.3 of 2013 before the Principal District Judge, Tiruchirappalli and the said petition was allowed and the matter was remanded back to the Arbitrator/District Collector for fresh consideration. After remand, though the enquiry was completed as early as on 03.07.2015, no order was passed by the Arbitrator and hence the petitioner has come before this Court with the above prayer.

4. It is an admitted fact that pursuant to the order passed by the learned Principal District Judge, Tiruchirappalli, on remand, the matter is under consideration before the first respondent / Arbitrator and even after completion of enquiry, for no rhyme or reasons, the matter has been unnecessarily kept pending without passing any orders thereon. Therefore, this Court, without going into the merits of the petitioner's claim, directs the first respondent to take a decision on the pending appeal and pass appropriate orders thereon in one way or the other, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar



To:

1.The Principal District Judge, Tiruchirapalli.

2.The District Collector
Tiruchirapalli district,
Tiruchirapalli.

3.The Special District Revenue Officer,
(Land Acquisition under 'C' Section),
National Highways Four Way Extension Scheme,
Collector's Office, Tiruchirapalli - 620 001.

+1cc to M/S.P.THIAGARAJAN, Advocate SR.No.73406

+1cc to Special Government Pleader, SR.No. 73860

RM

MAS/SV-MMS/SAR2:01.09.2017:3P-6C

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21.08.2017