

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.9053 of 2018

S.M.Dowlath Bee

... Petitioner

Vs.

1. Union of India,
Rep.by Secretary,
National Highways Department,
New Delhi - 110 001.
 - 2.The Project Director,
National Highways Authority of India,
'Sri Tower' 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai - 600 032.
 - 3.The District Collector,
Kancheepuram District,
Kancheepuram.
 - 4.The Competent Authority and
Special District Revenue Officer (Land Acquisition),
National Highways Scheme,
Kancheepuram and Tiruvallur District,
Kancheepuram.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the fourth respondent to grant compensation under the repealed Land Acquisition Act, 1894 as amended under Sections 23(1-A), 23 (2), 28 and 34 and other provisions of the said Act as declared in Civil Appeal No.129 to 159 of 2014 by the Apex Court dated 11.07.2016 in Union of India and Others -Vs- T.Chakrapani and others pertaining to the petitioners lands in Old.S.No.187 (New S.No.187), Old S.No.188 (New S.No.188), Old.S.No.189/1(New S.No.189/4), Old S.No.189/2(New S.No.189/5), Old S.No.189/3 (New S.No.189/3) and Old S.No.190/1 (New S.No.190/3) measuring an extent of 2.80 acres at Thirupukkuzhi Village, Kancheepuram District.

For Petitioners : Mr.David Tyagaraj

For Respondents : Ms.N.K.Nithila Vani
CGSC for R1
Ms.S.R.Sumathy for R2
Mr.D.Raja,
Additional Government Pleader
for R3 and R4

O R D E R

Heard Mr.David Tyagaraj, learned counsel for the petitioner, Ms.N.K.Nithila Vani, learned Central Government Standing Counsel for the first respondent, Ms.S.R.Sumathy, learned counsel for the second respondent and Mr.D.Raja, learned Additional Government Pleader for the respondents 3 and 4 and perused the materials available on record.

2.This writ petition has been filed for issuance of a writ of mandamus directing the fourth respondent to grant compensation under the repealed Land Acquisition Act, 1894, as amended under Sections 23(1-A), 23 (2), 28 and 34 and other provisions of the said Act, for the land acquired from the petitioner measuring to an extent of 2.80 acres in various survey numbers situated at Thirupukkuzhi Village, Kancheepuram District.

3. It seems that aggrieved over the award passed by the third respondent, the petitioner preferred an Appeal in Arbitration Original Petition No.333 of 2005, before the District Court, Chengalpattu, the same was transferred to II Additional District Court, Kancheepuram and renumbered as Arbitration Original Petition No.16 of 2010. It is stated that I.A.No.70 of 2018 in Arb.O.P.No.16 of 2010 is also pending.

4. Taking note of the facts stated above, liberty is given to the petitioner to pursue his claim in the pending Arbitration Original Petition.

5. Since the arbitration case is pending for more than twelve years, the learned II Additional District Judge, Kancheepuram shall dispose of the case as expeditiously as possible, preferably, within a period of three months, from the date of receipt of a copy of this order.

6. With above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
National Highways Department,
New Delhi - 110 001.
2. The Project Director,
National Highways Authority of India,
'Sri Tower' 3rd Floor,
DP-34 (SP) Industrial Estate,
Guindy, Chennai - 600 032.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Competent Authority and
Special District Revenue Officer (Land Acquisition),
National Highways Scheme,
Kancheepuram and Tiruvallur District,
Kancheepuram.
5. The District Judge,
Chengalpattu.
6. The 2nd Additional District Judge,
Kancheepuram.

+2cc to Mr.DAVID TYAGARAJ, Advocate, S.R.No.44753
+1cc to Mr.S.R.SUMATHY, Advocate, S.R.No.44870
+1cc to the Government Pleader, S.R.No. 45780

W.P.No.9053 of 2018

TR(12/07/2018)