

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.21786 of 2018

Mr. S. Nagarajan

...Petitioner

-Vs-

1. The District Collector,
Vellore District.
2. The Special District Revenue Officer,
(Land Acquisition-National Highways),
Vellore, Vellore District - 632 009.
3. The Project Director (National Highways),
Krishnagiri, National Highways Authority of India,
Door No.259/1, Salem Main Road,
Near KAKC Petrol Bunk, Krishnagiri - 632 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus or any other appropriate writ, order or direction calling for the records in impugned order in Na.Ka.G4.11764/04 dated 19.08.2011 passed by the 1st respondent and the consequential impugned proceedings in RC.G5.11764/04 dated 23.04.2018 passed by 2nd respondent herein and directing the respondents Nos.1 to 3 to pay the compensation as per the Right to Fair compensation and transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 for the acquired petitioner's land property to the extent of 993 Sq. Meters in S. No.206/11B at Girisamudiram Village, Vaniyambadi Taluk, Vellore District.

For Petitioner : Mr.T.Sundaravadanam

For Respondent-1 : Mr.M.Elumalai, Govt. Advocate

For Respondents-2&3 : Mr.D.Raja (Addl. Govt. Pleader)

O R D E R

The Writ petition has been filed challenging the order dated 19.08.2011 passed by the 1st respondent and the consequential order dated 23.04.2018 passed by the 2nd respondent.

2. Grievance of the petitioner is that the property belongs to the petitioner which is situated in S.No.74/2B1B, Girisamudiram Village, Vaniyambadi Taluk, Vellore District, has been proposed to acquire by the 2nd respondent for the extension of National Highways Road, Vaniyambadi.

3. Earlier, the award passed by the second respondent in proceeding No.Rc.G7/20373/2002 dated 08.05.2004 fixing the land value of Rs.20.42 per Sq.Mtr. to an extent of 993 Sq.Mtr. for a total sum of Rs.9,89,838/- including building structure etc. Thereafter, due to dispute in the land value, the arbitration proceedings has been initiated before the first respondent for enhancement of compensation. According to expert team recommendation, the land value revised from Rs.20.42 per Sq.mtr. to Rs.63.91 per Sq. mtr along with 9% interest from the date of acquiring of land by order dated 19.08.2011. Further, the second respondent, by its order dated 23.04.2018, has awarded the difference amount of Rs.1,07,312/- as per the order passed by the first respondent.

4. According to the petitioner, instead of fixing the instant guide line value, the first respondent has fixed existing guide line value prevailing at the time of land acquiring process. Under this circumstances, subsequently, the second respondent has passed another order dated 23.04.2018 after working out the difference amount of Rs.47,504/- from 08.05.2004 to 30.04.2018, as per the existing value adding the rate of 9% interest thereon for Rs.1,07,312/- for the land value of Rs.63.91 per Sq.Mtr. to the extent of 993 Sq.Mtr.

5. Challenging both the above impugned orders, the present writ petition has been filed.

6. It is admitted fact that the first respondent had passed the order dated 19.08.2011, enhancing the compensation from Rs.20.42 per Sq.Mtr. to Rs.63.91 per Sq.Mtr. through the arbitration proceedings and another order dated 23.04.2018 passed by the second respondent for the difference amount along with rate of interest 9% from the date of acquiring the said property.

7. If the petitioner has only grievance over the order passed by the first respondent, the petitioner has an efficacious alternative remedy under Section 34 of Arbitration

and Conciliation Act before the District Court concerned. Without exhausting such alternative remedy, the petitioner has come forward with the present writ petition challenging the impugned orders that too after period of 7 years from the date of impugned order passed by the first respondent. i.e. 19.08.2011.

8. That apart, the order passed by the second respondent dated 23.04.2018, only calculating the difference of amount as per the order passed by the first respondent on 19.08.2011.

9. Under these circumstances, this Court is not inclined to entertain this writ petition.

Accordingly, this writ petition is dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

lbm

To:

1. The District Collector,
Vellore District.
2. The Special District Revenue Officer,
(Land Acquisition-National Highways),
Vellore, Vellore District - 632 009.
3. The Project Director (National Highways),
Krishnagiri, National Highways Authority of India,
Door No.259/1, Salem Main Road,
Near KAKC Petrol Bunk, Krishnagiri - 632 001.

+lcc to Mr.T.Sundaravadanam, Advocate, S.R.No.64555

+lcc to the Government Pleader, S.R.No.63440

W.P.No.21786 of 2018

kan(co)
CS/26/10/2018