

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.2244 of 2018

Anjalai

...Petitioner

Versus

1. The District Collector,
Villupuram District, Villupuram.
2. The Competent Authority and
Special District Revenue Officer (LA),
N.H.68, Salem.
3. The Special Tahsildhar,
(L.A) N.H.68 Unit - I, Attur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent viz, the District Collector, Villupuram District to dispose petitioner's appeal dated 11.03.2013 within a stipulated period by taking into consideration petitioner's representation dated 16.10.2017.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.E.Neelakandan,
Government Advocate

O R D E R

The petitioner has come forward with this Writ Petition seeking a direction to the first respondent to dispose of the arbitration dispute raised by her. The case of the petitioner is that her land in Survey Nos.511/6A, 511/11A, 515/13A2, 515/13B2 and 515/13C2 of Pidagam Village, Ulundurpet Taluk was acquired for widening National Highways (NH-68). An award too was passed on 03.12.2009. On being aggrieved by the inadequate compensation awarded, the petitioner has moved for arbitration in terms of Section 3G of the National Highways Act, 1956.

2. Mr.M.Balasubramanian, the learned counsel appearing for the petitioner submitted that arbitration is pending before the authority since 2010 that in the meantime Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Central Act 30 of 2013) has come into force, as per which, compensation may have to be worked on the basis of the said act, since the arbitration now pending before the first respondent is a continuation of the original proceedings under which an award was passed.

3. Mr.E.Neelakandan, the learned Government Advocate appearing for the respondents submitted that there are more than hundred such arbitration matters pending before the first respondent, and that due to paucity of time, the first respondent could not attend and dispose of the matter within a reasonable time.

4. The submission for the petitioner are two fold:

- That the arbitration dispute between the first respondent/Statutory Arbitrator has to be disposed of expeditiously;
- That the statutory arbitrator should take into account the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, while disposing of the arbitrary proceedings.

5. As to the first, there will be a direction to the first respondent to dispose of the arbitration proceedings within four months from the date of receipt of copy of this Order. As to the second part, the petitioner may file an additional set of grounds invoking Central Act 30 of 2013 before the arbitrator, if she is so desirous within two weeks, from the date of receipt of a copy of this order to facilitate the first respondent to consider any submissions founded on the same on their merit and legality.

6. With the above direction, this Writ Petition is disposed of. No costs.

mrr

Sd/-
Assistant Registrar
/TRUE COPY/

Sub-Assistant Registrar

To

1. The District Collector,
Villupuram District, Villupuram.
2. The Competent Authority and
Special District Revenue Officer (LA),
N.H.68, Salem.
3. The Special Tahsildhar,
(L.A) N.H.68 Unit - I, Attur.

+1cc to the Government Pleader, High Court, Madras in
SR.NO. 10311

+1cc to M/S.M.Balasubramanian, Advocate in SR.NO. 9962