

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDHASAN

W.P.No.12725 of 2018
and
W.M.P.No.14912 of 2018

Saidunnisa

...Petitioner

Vs

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Land Acquisition Officer/
District Revenue Officer,
Collectorate, Cuddalore.

3.The Special Tahsildar/
Land Acquisition Officer,
National Highways - 227,
Kattumannarkoil Unit - II,
Kattumannarkoil,
Cuddalore District.

4.The Project Director,
National Highways Authority of India - 227,
V.G.P.Nagar,
Vazhudhareddy, Near New Bus stand,
Villupuram.

...Respondents

(R4 impleaded as per order dated 16.07.2018
in W.M.P.No.21109 of 2018 in W.P.No.12725
of 2018)

PRAYER : Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct an award enquiry insofar relates to land situated in R.S.No.114/1, Kurungudi Village, Kattumannarkoil Taluk, Cuddalore District by invoking under the Provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) by receiving Document No.1241 of 2015, dated 26.05.2015 as per Under Section 26 (1) (a) of the Central Act 30 of 2013.

For Petitioner: Mr.C.Prakasam

For Respondents: Mr.D.Raja for R1 to R3
Additional Government Pleader

: Mr.Su.Srinivas,
Assistant Solicitor General for R4

O R D E R

The writ petitioner is seeking a direction to the respondents to award compensation as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), (hereinafter, referred to as the "Act").

2. The grievance of the petitioner is that the petitioner's lands were acquired under the National Highways Act, and for award enquiry, notice was also issued to the petitioner. The petitioner is entitled to get compensation as per the provisions of Act 30 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) whereas the 3rd respondent awarded compensation only under Section 3-G(3) of National Highways Act, hence the Writ Petition.

3. Today, when the matter is taken up for hearing Mr.Su.Srinivasan, learned counsel appearing for fourth respondent submitted that, the award has already been passed applying the beneficial provisions of Central Act 30 of 2013, and he has also filed a counter affidavit to that effect. The relevant paragraph of the counter affidavit reads as follows:-

"5. It is respectfully submitted that the compensation was fixed by the Competent Authority as provided under Section 3G of NH Act, however, with the beneficial provisions of RFCTLARR Act and passed the award in the proceedings Award No.21, Rc.NH/LA/A/45/2016 dated 25.06.2018. Since the award is passed applying the beneficial provision of RFCTLAAR Act for fixing compensation, the petitioner cannot have any grievance and the apprehension of the petitioner as found in the averment of the writ petition is nothing but self made. The Competent Authority uses to arrive at just market value to fix the compensation by gathering sales statistics that have taken place three years period preceding the publication of 3A (1) notification in the

vicinity of the acquired lands. As the award is passed based on the well settled principles and methodology, no interference from this Hon'ble Court is warranted. The petitioner, if not satisfied with the compensation arrived at by the Competent Authority, is entitled to approach the first respondent, who is the Arbitrator, appointed by Central Government under the provisions of Section 3G(5) NH Act, 1956 for enhancement of compensation by producing relevant documents to establish that the compensation fixed by the authority is not reflecting true market value."

4. In view of the above submission, no further order is required in the Writ Petition and the Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

dna

To

- 1.The District Collector,
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Cuddalore District.

4.The Project Director,
National Highways Authority of India - 227,
V.G.P.Nagar,
Vizhudhareddy, Near New Bus stand,
Villupuram.

+1cc to M/s.C.Prakasam, Advocate Sr.68240
+1cc to M/s.Su.Srinivasan, Advocate Sr.67745

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srg 30/11/2018