

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.2296 of 2018

Mr. S. Ilavarasu

...Petitioner

Versus

1. The District Collector cum Arbitrator,
Salem District,
Salem.
2. The Competent Authority and
Special District Revenue Officer (LA),
National High Ways - 68,
Salem - Villupuram District's @ Salem.
3. The Special Tahsildar (LA),
National High Ways - 68,
Attur Unit, Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to pass orders on the Arbitration Petition dated 21.12.2009 submitted by the petitioner pending in Arbitration No.46/(RP), seeking for enhancement of compensation for the lands, well and trees acquired from the petitioner measuring an extent of 3818 Sq.mtrs situated in Survey Nos.123/12A2, 123/12B2 and 123/12C1B of Errammasamudram Village, Attur Taluk, Salem District, under the National Highways Act, 1956.

For Petitioner : Mr. G. Arul Murugan

For Respondents : Mr. M. Karthikeyan,
Addl. Government Pleader

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O R D E R

The petitioner's land comprised in Survey Nos.123/12A2, 123/12B2 and 123/12C1B of Errammasamudram Village, Attur Taluk, Salem District was acquired under the provisions of the National Highways Act, 1956 and an award was passed by the Acquisition Authority on 19.10.2009 and aggrieved by the perceived inadequacy of the compensation awarded, the petitioner had moved the first respondent/Statutory Arbitrator seeking enhancement of

compensation. The same is pending and not disposed of till date as averred by the petitioner in his affidavit.

2. The petitioner further states that inasmuch as the Arbitrator is yet to resolve the dispute, it is imperative for the Statutory Arbitrator should take into account the effect of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and in particular, those which are enumerated in Sections 26 to 30 of the said Act.

3. Mr. M. Karthikeyan, the learned Additional Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal.

4. The learned counsel for the petitioner submitted that the proceedings are pending before the Arbitrator, and the same is but a continuation of the award proceeding and it has to be determined as to whether the compensation by the Statutory Authority has to be fixed under Section 3G of the National Highways Act, 1956 and inasmuch as the compensation payable by the respondent has not attained finality, the Arbitrator has to take into consideration the effect and impact of Central Act 30 of 2013.

5. Since the matter is pending arbitration, the Arbitrator is yet to apply his mind to the dispute. This Court permits the petitioner to file the additional grounds before the Arbitrator touching upon his contention to invoke the telescopic provisions of Central Act 30 of 2013 into the pending arbitration proceedings.

6. The learned counsel for the petitioner is further directed to file the said additional grounds for arbitration, within a period of two weeks from today and upon receiving the same, the first respondent/Statutory Arbitrator is directed to consider the same and dispose of the matter within four months thereafter, after considering of the grounds taken by the petitioner as well as by the rival side.

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

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

mrr

To

1. The District Collector cum Arbitrator,
Salem District,
Salem.
2. The Competent Authority and
Special District Revenue Officer (LA),
National High Ways - 68,
Salem - Villupuram District's @ Salem.
3. The Special Tahsildar (LA),
National High Ways - 68,
Attur Unit, Salem District.

+1cc to Mr. G. Arul Murugan, Advocate sr.no.7774

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