

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22996 of 2018

1.Selvaraj

2.Pannerselvam

3.Annamalai

4.Vasantha

5.S.Suseela

6.M.Jayanthi Petitioner

Vs

1.The Special District Revenue Officer
& Competent Authority (LA)
National Highways 45C.
Villupuram

2.The Secretary to Government of India
Department of Road, Surface and
Water Transport.
New Delhi.

3.The Secretary to Government of India,
Department of Law and Justice,
New Delhi.

4.The Secretary to Government,
State of Tamil Nadu,
Department of Highways,
Fort St.George,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the same the proceedings passed by the first respondent in his Na.Ka.No.Aa/Thamava/La/NH/45C/438/2015 dated 15.12.2017 and consequently, direct the first and fourth respondents to pay compensation to the petitioners under Act 30/2013 or four times the value fixed under the above said award.

For Petitioner :R.Gururaj

For Respondents :Mr.C.Thirumaran
Special Government Pleader
for R1 and R4
:Mr.S.Sumathy
Standing Counsel,
for R2 and R3

O R D E R

This writ petition is filed challenging the award passed by the first respondent.

2. The learned counsel appearing for the petitioners submitted that while passing the award, the first respondent did not properly apply the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013). Hence, the present writ petition has been filed.

3. The learned Special Government Pleader appearing for the respondents 1 and 4 submitted that already the petitioners approached the District Collector/Arbitrator, Cuddalore and filed a petition under Section 3G(5) of the National Highways Act on 16.07.2018. When the above arbitration proceedings was pending, the petitioners have simultaneously filed this Writ Petition challenging the award.

4. I have considered the rival submissions made on both sides and perused the materials available on records.

5. Considering the fact that already the petitioners approached the District Collector/Arbitrator and filed a petition for enhancement, the petitioners cannot maintain the writ petition at this stage. However, since the arbitration proceeding is pending from 16.07.2018, the District Collector/Arbitrator, Cuddalore is directed to petitioners' petition and pass suitable order in accordance with law, after giving opportunity to the petitioners as well as the other interested parties. The petitioners are also permitted to raise all the objections available before the Arbitrator.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

1.The Special District Revenue Officer
& Competent Authority (LA)
National Highways 45C.
Villupuram

2.The Secretary to Government of India
Department of Road, Surface and
Water Transport.
New Delhi.

3.The Secretary to Government of India,
Department of Law and Justice,
New Delhi.

4.The Secretary to Government,
State of Tamil Nadu,
Department of Highways,
Fort St.George, Chennai.

+1cc to Mr.R.Gururaj, Advocate, S.R.No.62296

+1cc to the Government Pleader, S.R.No.62174

सत्यमेव जयते

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PA(CO)
GSP(04/10/2018)

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