

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

W.P.No.23016 of 2018
and
W.M.P.No.26912 of 2018

S.Umamaheshwari

... Petitioner

Vs

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

2.The Secretary to Government of India
Department of Road, Transport and
Highways,
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 proceedings passed by the first respondent in his L.A/NH45/07/2015 dated 30.06.2017 and consequently direct the respondents 1,2 and 4 to pay compensation to the petitioner under Act 30/2013 or in the alternative pay 4 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 petitioner 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 petitioner approached the District Collector/Arbitrator, Cuddalore and filed a petition under Section 3(G)(5) of the National Highways Act on 05.05.2018. When the above arbitration proceedings was pending, the petitioner has 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 petitioner approached the District Collector/Arbitrator and filed a petition for enhancement, the petitioner cannot maintain this writ petition at this stage. However, as the arbitration proceeding is pending from 05.05.2018, the District Collector/Arbitrator, Cuddalore is directed to consider the petitioner's application and pass suitable order in accordance with law after giving opportunity to the petitioner as well as the other interested parties. The petitioner is also permitted to raise all the objections before the Arbitrator.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

mrp/rst

To

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

2.The Secretary to Government of India
Department of Road, Transport and
Highways,
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.

+lcc to M/s.R.Gururaj, Advocate SR.NO.62294

+lcc to Government Pleader SR.NO.62173

GP(CO)
sm:9.10.2018

W.P.No.23016 of 2018
and
W.M.P.No.26912 of 2018



WEB COPY