



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) Nos.8492 to 8497 of 2018

K.Ponnusamy	.. Petitioner in W.P. (MD) No.8492/2018
Chitra	.. Petitioner in W.P. (MD) No.8493/2018
P.Raja	.. Petitioner in W.P. (MD) No.8494/2018
Meenatchi	.. Petitioner in W.P. (MD) No.8495/2018
Ramarao	.. Petitioner in W.P (MD) No.8496/2018
Chellammal @ Chellathal	.. Petitioner in W.P. (MD) No.8497/2018

Vs.

- 1.The District Collector cum Arbitrator,
Dindigul District, Dindigul.
- 2.The District Revenue Officer cum
Authorised Competent Authority,
National Highways 209, Dindigul.
- 3.The Special Tahsildar,
Land Acquisition,
N.H.No.209, Oddanchathiram,
Dindigul District.
- 4.The Project Director,
National Highways 209,
Dindigul District, Dindigul.

... Respondents
in all writ petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent herein to dispose of petitioner's representations dated 05.12.2017, 15.12.2017, 19.12.2017, 20.02.2018 respectively for payment of enhanced compensation as per Section 3-G(5) of National Highways Act to the petitioner within the time stipulated.

In all the Writ Petitions:

For Petitioner	: Mr.P.Mahendran
For R1 & R3	: Mr.S.Dhayalan
	Governemnt Advocate
For R2 & R4	: Mr.C.Arul Vadivel @ Sekar
	Standing Counsel

**COMMON ORDER**

The petitioners' lands were acquired for the purpose of laying four way lane by the fourth respondent/National Highways Authority of India. The award was passed on 30.12.2013 and the petitioners have also received the compensation from the respondents. Thereafter, the petitioners have filed Arbitration Applications for enhancement of compensation.

2. The grievance of the petitioners is that the first respondent District Collector being an Arbitrator has not taken any action to dispose of their representation. It is well settled that when an application is filed before the authority, he has to take a decision one way or other. The authority can either accept or reject those applications, but shall dispose of the same expeditiously.

3. The learned counsel appearing for the fourth respondent would submit that the appeal remedy is available and the same should be filed within limitation. Without exhausting the appeal remedy, the petitioners have filed the present writ petitions and therefore, the writ petitions are not maintainable.

4. As per Section 3-G(5) of the National Highways Act, 1956, a person, who is not satisfied with the compensation granted, may raise an application to the Arbitrator appointed by the Central Government. The first respondent is the Arbitrator, as notified. Admittedly, the petitioners have filed Arbitration Applications before the first respondent/District Collector on 05.12.2017, 15.12.2017, 19.12.2017, 20.02.2018 and the same are pending without any progress for the past one year.

5. Under such circumstances, considering the facts and circumstances of the cases, a direction is issued to the first respondent to consider the Arbitration applications dated 05.12.2017, 15.12.2017, 19.12.2017, 20.02.2018 filed by the petitioners and pass orders on merits and in accordance with law, subject to other statutory provisions. Such exercise shall be done within a period of 3 months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/



1.The District Collector cum Arbitrator,
Dindigul District, Dindigul.

2.The District Revenue Officer
cum Authorised Competent Authority,
National Highways 209,Dindigul.

3.The Special Tahsildar,
Land Acquisition,
N.H.No.209, Oddanchathiram,
Dinidigul District.

4.The Project Director,
National Highways 209,
Dindigul District,
Dindigul.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 74148
+ 1 CC TO Mr.P.MAHENDRAN, ADVOCATE IN SR No. 74034
+ 1 CC TO Mr.C.ARUL VADIVEL @ SEKAR, ADVOCATE IN SR No. 73982

CM

TE/KAK/SAR-2 : 16/08/2018 : 3P/8C

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