

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.6938 of 2009

and

M.P.No.1 of 2009

M/s.Sambandam Spinning Mills Limited,
rep. by its Chief Financial Officer and
Company Secretary ... Petitioner

-vs-

1.Union of India,
rep. by its Secretary,
Department of Road Transport and Highways,
Ministry of Shipping,
Road Transport and Highways,
New Delhi-110 001.

2.The Competent Authority and
District Revenue Officer,
Namakkal District,
Namakkal, Tamil Nadu.

3.The District Collector,
Namakkal District,
Namakkal.

4.The National Highways Authority of India,
rep. by its Chairman,
G-5 & 6, Sector - 10,
Dwaraka, New Delhi - 110 075.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first and third respondents to forthwith take all steps to facilitate expeditious completion of adjudication of the petitioner's claim in respect of acquisition of its lands in S.Nos.88/2A, 88/B2, 92/4B and 95/4B in Athanur Village, Rasipuram Taluk, Namakkal District as provided under the National Highways Act, 1956 within the time as may be fixed by this Court.

For petitioner : Ms.Janani Shankar for
Mr.Satish Parasaran

For respondents : Mr.J.Madhana Gopal Rao
CGSC for R1

Mr.M.Elumalai,
Government Advocate
for R2 and R3

No appearance for R4

ORDER

The petitioner has come to this Court seeking a direction to the first and third respondents to forthwith take all steps to facilitate expeditious completion of adjudication of its claim in respect of acquisition of its lands in S.Nos.88/2A, 88/B2, 92/4B and 95/4B in Athanur Village, Rasipuram Taluk, Namakkal District as provided under the National Highways Act, 1956 (hereinafter referred to as 'the Act') within the time frame.

2.Learned counsel appearing for the petitioner would submit that the petitioner is a Public Limited Company engaged in the manufacture of 100% Cotton Yarn with a total installed capacity of 84,250 pindles involving an investment exceeding Rs.200 crores and over 1400 employees are engaged by the petitioner company. While so, on 28.06.2006, the petitioner came across the Public Notification issued by the first respondent herein in the English daily viz. 'The Hindu' under Section 3A(3) of the Act notifying that a portion of the petitioner's lands measuring to an extent of 3514.40 sq.mts. in Survey Nos.88/2A, 88/2B, 92/4 and 95/4 situated at Athanur Village, Rasipuram Taluk, Namakkal District, was proposed to be acquired by the Competent Authority and District Revenue Officer, Namakkal District, the second respondent herein for formation of four lane road in NH-7, Salem - Karur Section. The said notification also called for objections from interested persons in respect of the proposed acquisition. Immediately, the petitioner filed its objection petition with the respondents vide its letter dated 12.07.2006 inter alia pointing out that the petitioner's lands proposed to be acquired was situated in a prime portion of the petitioner's industry wherein various buildings were already constructed.

3.According to the learned counsel for the petitioner, if the said lands were acquired by the first respondent, the entire electrical distribution system, right from the electrical power

supply receiving transformer to the standby generator, would have to be relocated, resulting in immense hardship and huge financial loss, seriously affecting the smooth functioning of the petitioner's industrial activities to a large extent. In this connection, the petitioner also sent a letter dated 10.11.2008 to the General Manager (Administration), NHAI, New Delhi seeking information under the Right to Information Act, 2005 as to whether an Arbitrator has been appointed by the Central Government under Section 3-G(5) of the Act to hear the grievance of the petitioner against fixation of compensation by the second respondent in respect of the petitioner's property. As there was no response, the petitioner is before this Court seeking the above direction.

4. When the matter is taken up for hearing, it was brought to my notice that respondents 1 and 4 have jointly filed a status report, wherein in para 8, it has been stated that the District Collector, Namakkal, being an Arbitrator, after due enquiry, has passed an Award enhancing higher compensation to the petitioner by Proceeding Roc.16643/2011/Case No.26/2011/Arb. dated 18.06.2014, rejecting the other claims of the petitioner requesting to enhance compensation for the structures, trees etc. stating that the structure/trees have been valued by the Technical Authorities.

5. As the District Collector being an Arbitrator, passed an Award enhancing compensation for the lands acquired, three times higher than the rate fixed by CALA/DRO, by Proceeding Roc.16643/2011/Case No.26/2011/Arb. dated 18.06.2014, rejecting the other claims requesting to enhance compensation for the structures, trees etc. stating that the structure/trees have been valued by the Technical Authorities, nothing further survives in this matter. Accordingly, the writ petition stands dismissed. Consequently, connected M.P. is closed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vga
To

1. The Secretary, Union of India,
Department of Road Transport and Highways,
Ministry of Shipping,
Road Transport and Highways,
New Delhi-110 001.

2.The Competent Authority and
District Revenue Officer,
Namakkal District,
Namakkal, Tamil Nadu.

3.The District Collector,
Namakkal District,
Namakkal.

4.The Chairman,
The National Highways Authority of India,
G-5 & 6, Sector - 10,
Dwaraka, New Delhi - 110 075.

+1cc to Mr. R.Parthasarathy, Advocate, S.R.No. 15535
+1cc to Mr. J.Madanagopal Rao, Advocate, S.R.No. 14511
+1cc to the Government Pleader, S.R.No. 15118

W.P. No.6938 of 2009
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SV(CO)
GN(18/03/2019)



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