

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.10869 of 2019

I.Mohamed Najemuthdeen

... Petitioner

Versus

1.The District Collector/Arbitrator,
Cuddalore District, Cuddalore.

2.The Special District Revenue Officer/
Competent Authority, (Land Acquisition), NH-227,
Cuddalore, Cuddalore District. ... Respondents

Writ Petition filed under Section 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose the Statutory Appeal filed under Section 3G(5) of National Highways Act by the petitioner on 22.02.2019 within a stipulated time as this Court may fix.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Raja,
Additional Government Pleader

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal. सत्यमेव जयते

2. The relief sought for in this Writ Petition is to direct the first respondent to dispose of the Statutory Appeal filed by the petitioner under Section 3G(5) of National Highways Act on 22.02.2019 within a stipulated time.

3. The case of the petitioner is that he is the owner of the land comprised in R.S.Nos.84/3, 84/5A2 & 84/7B, Veerananallur Village, Nattarmangalam Post - 608 301, Kattumannarkoil Taluk, Cuddalore District which is situated in between Trichy - Chidambaram Main Road. The second respondent has acquired the petitioner's land for widening and laying down the four road junction and passed an award on 27.06.2018. Not

being satisfied with the compensation awarded, the petitioner preferred an Appeal under Section 3-G(5) of National Highways Act before the first respondent on 22.02.2019 and made a request to consider his Appeal by way of Arbitration by invoking the Provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). But the Appeal filed by the petitioner has not been considered by the first respondent. Therefore, he has filed the present Writ Petition for the relief stated supra.

4. The learned counsel appearing for the petitioner submitted that the petitioner's land was acquired by the second respondent but the compensation has been awarded at the rate of Rs.69.32/- per sq.mtr which is against the market value of Rs.8,599/- per sq.mtr. He further submitted that the petitioner has preferred an Appeal as he is not satisfied with the aforesaid award and therefore, the petitioner prays this Court to direct the first respondent to dispose of the said Appeal.

5. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's Appeal will be disposed of by the first respondent within a time frame fixed by this Court.

6. Heard the counsels on both sides.

7. In view of the submissions made by the counsels on both sides and without expressing any opinion with regard to the merits of the case, this Court directs the first respondent to dispose of the Appeal, if it is otherwise in order, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector/Arbitrator,
Cuddalore District, Cuddalore.

2.The Special District Revenue Officer/
Competent Authority, (Land Acquisition), NH-227,
Cuddalore, Cuddalore District.

+1 cc to Mr.C.Prakasam, Advocate Sr.No.35872
+1 cc to The Government Pleader, Sr.No.36297

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CSL/28/06.2019



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