

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.12183 of 2019

M.Sekar

... Petitioner

Vs.

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

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose the Statuary Appeal filed U/s.3-G(5) of National Highways Act by the petitioner on 31.12.2018 within a stipulated time as this Court may fix.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Elumalai
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the first respondent to dispose the Statuary Appeal filed U/s.3-G(5) of National Highways Act by the petitioner on 31.12.2018 within a stipulated time as this Court may fix.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the land situated in R.S.No.111/3A2, 113/1A2 and 113/2A2, Kurungudi Village, Kattumannarkoil Taluk, Cuddalore District, which is situated on the main road of Trichy - Chidambaram Main Road. The second respondent acquired the petitioner's land measuring an extent of 5 Sq. Meter, 1307 Sq.

Meter, 1386 Sq. Meter respectively the above said survey numbers for widening and lay down the four road junction, in this connection the second respondent passed award in proceedings No.Na.Ka.N.H/Ni.A/A/45/2016, dated 25.06.2018 for fixing the compensation to the tune of Rs.367.65 per Sq.Meter, for R.S.No.111/3A2 and Rs.96103.71 per Sq.Meter for R.S.No.113/1A2, Rs.101912.58 per Sq.Meter for R.S.No.113/2A2 respective, eventhough the petitioner produced the documents for fixation of the higher compensation, but the same has not been considered by the second respondent. Aggrieved by the award passed by the second respondent, the petitioner preferred an Appeal under Section 3-G(5) of National Highways Act before the first respondent on 31.12.2018 and made request to consider the petitioner's Appeal by way of Arbitration by invoking under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), but till today no order has been passed. Therefore, the present writ petition is filed to dispose of the writ petition, within the time prescribed by this Court.

3.The learned Additional Government Pleader appearing for the respondents has submitted that the appeal filed by the petitioner will be disposed of by the first respondent in accordance with law.

4.Considering the above submission made, without expressing any opinion as to the merits of the contentions raised by the writ petitioner in this writ petition, this Court is inclined to direct the first respondent to dispose of the petitioner's appeal on merits and in accordance with law, after affording an opportunity to the petitioner, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

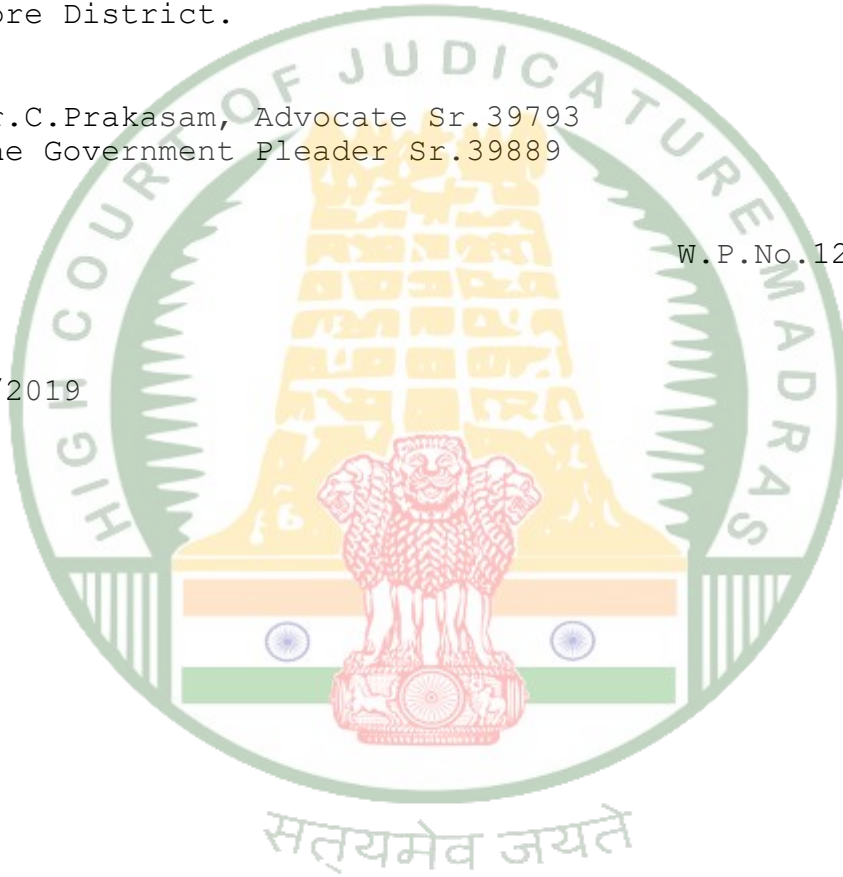
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+1cc to Mr.C.Prakasam, Advocate Sr.39793
+1cc to the Government Pleader Sr.39889

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srg 30/05/2019



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