

Contempt Petition Nos.1280 to 1284 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition Nos.1280 to 1284 of 2019

and

Sub Application Nos.354, 363, 362, 361 and 356 of 2019

Mr.Paneer Selvam
S/o Ramasamy

... Petitioner in Cont.P.No.1280 of 2019

G.Gunasekaran

... Petitioner in Cont.P.No.1281 of 2019

M.Kalyanasundaram

... Petitioner in Cont.P.No.1282 of 2019

T.Govindasamy

... Petitioner in Cont.P.No.1283 of 2019

Mrs.J.Bhavani

... Petitioner in Cont.P.No.1284 of 2019
in Contempt Petitions/ Sub Applications

-vs-

1. Mr.S.Suresh Kumar, I.A.S.,
The District Collector cum Land Acquisition
Officer (Arbitration)
Office of the District Collectorate
Nagapattinam, Nagapattinam District

2. Smt.Manimegalai
The Special District Revenue Officer
(Land Acquisition)
Office of the Collectorate
Thiruvarur Post
Thiruvarur District

.. Respondents in all the Cont.Petitions/
Sub Application

Petitions under Section 11 of the Contempt of Courts
Act, 1971 praying to punish the respondents for wilful
disobedience of the orders of this Court dated 22.2.2018
made in W.P.Nos.6969, 31972, 6971, 31973, 1935 of 2017.

Sub Application Nos.354, 363, 362, 361 and 356 of 2019

To allow the Contempt Petitioner to implead the proposed 3rd respondent as necessary party in the above said Contempt Petition.

For Petitioners :: Mr.G.Thangavel

For Respondents :: Mr.M.Elumalai
Government Advocate

ORDER

When the matters are taken up for hearing, learned Government Advocate for the respondents would submit that this Court by judgment dated 01.04.2019 in W.A.No.2693 of 2018, while allowing the writ appeal, permitted the writ petitioners therein to raise all the issues in the pending application before the District Collector, Salem, i.e. claim for additional market value, solatium and interest. He would further submit that as per Section 3-G(5) of the National Highways Act, 1956, if the amount determined by the competent authority under sub section (1) or sub section (2) is not acceptable, on application by either of the parties, the amount shall be determined by the Arbitrator to be appointed by the Central Government.

2. A perusal of the above judgment would show that this issue has to be necessarily adjudicated by the appropriate authority namely, the District Collector while exercising his powers as an Arbitrator appointed by the

Central Government for dealing with the claim for enhanced compensation. It is relevant to extract para 14 of the above judgment as under:

'..This issue has to be necessarily adjudicated by the appropriate authority namely the District Collector while exercising his powers as an Arbitrator appointed by the Central Government for dealing with the claim for enhanced compensation.'

3. Similarly, Section 3-G(5) of the National Highways Act, 1956 is extracted as under:

'3-G(5) If the amount determined by the competent authority under sub section (1) or sub section (2) is not acceptable, either of the parties, the amount shall, on an application by either of the parties, be determined by the Arbitrator to be appointed by the Central Government.'

4. A reading of the above Section would show that if the amount determined by the competent authority under sub section (1) or sub section (2) is not acceptable, on application made by either of the parties, the same shall be determined by the Arbitrator to be appointed by the Central Government.

5. In the light of the above, the petitioners are permitted to move an application along with a copy of the Award and other documents for determining the additional market value, solatium and interest before the District Collector, Nagapattinam, who was appointed by the Central

Government as a Land Arbitrator within a period of one week from the date of receipt of a copy of this order. The same shall be considered by the District Collector cum Land Acquisition Officer (Arbitration), Nagapattinam within a period of three weeks from the date of receipt of such application from the petitioners. With the above direction, the contempt petitions are disposed of. In view of this order, Sub Application Nos.354, 363, 362, 361, 356 of 2019 are closed.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

ss

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/09/10/2019

To

1. The District Collector,
Nagapattinam.

2. The District Collector/Land Arbitrator,
Office of the District Collectorate,
Nagapattinam, Nagapattinam District.

3. The Special District Revenue Officer (Land Acquisition)
Office of the Collectorate,
Thiruvarur Post,
Thiruvarur District.